DOCUMENT RESUME

ED 118 680 UD 015 713

TITLE WOmen and Poverty: Staff Report.
INSTITUTION Commission on Civil Rights, Washington, D.C.
PUB DATE Jun 74
NOTE 86p.

EDRS PRICE MF-$0.83 HC-$4.67 Plus Postage
DESCRIPTORS Census Figures; Child Care; *Demography; *Economic Disadvantagement; Employment Patterns; Employment Programs; Family Characteristics; Federal Government; *Females; *Government Role; Income; *National Surveys; Older Adults; Welfare; Working Women

ABSTRACT

This report begins with a demographic profile. Among the topics discussed are marital status and h ousehold composition, female heads of household, general income analysis, the earnings gap within occupations and industries, participation of women in the labor force and characteristics of women workers over the lifespan. The report then focuses on Public Assistance: Aid to Families with Dependent Children (AFDC). This section includes an overview of AFDC and Work Incentive Program (WIN). Also discussed are selected welfare problem areas and status of welfare reform legislation. The report continues with an examination of Women and Work: The Impact on Poor Women of Federal Manpower Programs. Federal Child Care Legislation: History, Status, and Prospects is the next focus of this report. The report ends with a discussion of Income Maintenance: The Elderly Poor. Topics examined here include social security, private pension plans, pension rights of spouses, and legislative reform of the private pension system. The report includes seven tables and three appendices. The first appendix includes 33 tables. Appendix 2 tabulates Aid to Families with Dependent Children: Recipients of Money Payments and Amounts of Payments, by State, December 1973. Appendix 3 is a Chronology of Selected Federal Labor Legislation. (JM)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

UD015713

ED118680

WOMEN AND POVERTY

Staff Report
United States Commission
on Civil Rights

June 1974

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

UD 015 713

U.S. COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights is a temporary, independent bipartisan agency established by the Congress in 1957 to:

- Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and
- Submit reports, findings, and recommendations to the President and Congress.

MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*
Stephen Horn, *Vice Chairman*
Frankie M. Freeman
Robert S. Rankin
Manual Ruiz, Jr.
John A. Buggs, *Staff Director*

Contents

	Page
I. DEMOGRAPHIC PROFILE	1
Population	1
Age Distribution	1
Marital Status and Household Composition	1
Women Alone	1
Marital Status	2
Women with Children under 18 Years Old	2
Female Heads of Household	2
Income	3
Source of Income	3
General Income Analysis	4
Earnings	5
The Earnings Gap	5
Racial and Ethnic Differentials	5
The Earnings Gap within Occupations and Industries	6
Explanations of the Earnings Gap	6
Poverty Income Analysis	9
Employment	10
Participation of Women in the Labor Force	10
Occupational Distribution of Working Women	11
Industrial Distribution of Working Women	12
Unemployment	13
Characteristics of Women Workers Over the Lifespan	13
Chicago	14
Population	14
Age Distribution: 65 and Over	14
Marital Status	14
Household and Family Composition	14
Employment	14
Labor Force Participation of Women	14
Occupational Distribution	15
Income Distribution	16

	Page
II. PUBLIC ASSISTANCE: AID TO FAMILIES WITH DEPENDENT CHILDREN	17
Overview	17
AFDC as a State Program	17
Standard of Need Determination	18
Types of Grants	18
Fraud Checks	18
Effect on the Family	18
Application Procedure	19
Staff	19
WIN Requirements	19
Basis of WIN Legislation	20
Failure of WIN	20
Effect of WIN on Women	20
Selected Welfare Problem Areas	21
Non-English-Speaking Applicants	21
Equal Services Regardless of National Origin	21
Right to a Hearing	21
Residency Requirements	22
The Deserting Parent	22
"Man-in-the-House" Rule	22
Home Visits by Caseworkers	22
Enforcement of Federal Requirements for AFDC Programs	23
Status of Welfare Reform Legislation	23
History of Congressional Action	23
Current Proposals	24
Future Prospects	25
III. WOMEN AND WORK: THE IMPACT ON POOR WOMEN OF FEDERAL MANPOWER PROGRAMS	26
Historical Perspectives	26
The Training Programs	27
Manpower Revenue Sharing: Issues for Women	30
WIN and Women: Workfare on a National Scale	32

Contents

	Page
IV. FEDERAL CHILD CARE LEGISLATION: HISTORY, STATUS, AND PROSPECTS ..	34
Current Federal Programs	34
Pressures for Child Care Legislation ..	35
Legislative Proposals in the 91st Congress	35
The Comprehensive Child Development Act of 1971	36
Child Care and Welfare Reform	37
Child Care Legislation in the 93rd Congress	38
Prospects for Child Care Legislation ..	38
V. INCOME MAINTENANCE: THE ELDERLY POOR	40
Social Security	40
Worker's Benefits	40
Women and the Social Security Program	40
Proposals for Change	41
Private Pension Plans	42
How the Private Pension Plan Works: A Glossary of Terms ..	43
Vesting	44
Continuous Service	44
Part-time Employment	44
Eligibility or Enrollment Age ...	44
Pension Rights of Spouses: Survivor Benefits	45
Actuarial Assumptions	45
Integration of Private Pension Plans with Social Security	46
Legislative Reform of the Private Pension System	46

Tables

	Page
1. Population by Sex and Race, 1970	3
2. Median Income of Full-Time Year-Round Workers, by Sex and Major Occupation Group, 1970	7
3. Poverty Income Levels for Male- and Female-Headed Families	10
4. Unemployment Rates, 1972	13
5. Characteristics of Enrollees in Federally-Assisted Work and Training Programs ..	28
6. Average Hourly Earnings of First Post-program Job of Persons Completing Selected Manpower Programs	29
7. Private Pension Integration with Social Security	46

APPENDICES

I. Tables:

8. Population by Sex and Race, 1970	49
9. Age Distribution by Sex and Race	50
10. Marital Status of Women 14 and Over by Race	51
11. Heads of Household (White and Black)	52
12. Source of Income	52
13. Families Below and Above Low-Income Level by Type of Income and Sex of Head, 1971	54
14. Median Income by Type, Race, and Sex, 1972	55
15. Income in 1969 by Family Status, Race, and Sex	56
16. Median Earnings by Sex, Race, and Age, 1969	57
17. Median Earnings by Sex, Ethnicity, and Age, 1969	57
18. Median Income by Education, Race, and Sex, 1969	58
19. Female-Headed Families Below Low-Income Level, by Race	58
20. Median Income for Heads of Families, 1969	59

Contents

		Page
21.	Women as Percentage of Total Employed in Selected Occupations, 1962, 1966, and 1970	60
22.	Occupations of Women, by Race, 1970	61
23.	Employed Persons, By Major Occupation Group and Sex, 1950 and 1970	62
24.	Industry of Employed Persons by Race and Sex, 1970	63
25.	Women Employees in Selected Industries, 1965 and 1972	64
26.	Industry and Occupation of Longest Job, Civilian Workers 14 Years Old and Over, by Sex, 1972	64
27.	Women in Labor Force, by Age	66
28.	Percentage of Women in Labor Force, by Age, 1970	66
29.	Percentage of Women in Labor Force, by Marital Status, 1972	66
30.	Selected Characteristics of Women in the Labor Force, by Marital Status, 1971	67
31.	Labor Force Participation Rates of Men and Women, 1961 and 1971	68
32.	Women in the Labor Force, by Marital Status, Race, and Presence of Children	68
33.	Population of Cook County by Marital Status and Sex	69
34.	Population of Cook County by Sex and Race	69
35.	Population of Cook County over 65, by Race and Sex	69
36.	Total, Black, and Spanish Speaking Populations, Chicago SMSA, by Age and Sex, 1970	70
37.	Occupation of Employed Persons, Chicago SMSA, by Race and Sex, 1970	72
38.	Labor Force and Income Characteristics of the Total Population, Chicago SMSA, 1970	73
39.	Families with Income Below the Poverty Level, Chicago SMSA	74
40.	Economic Characteristics of the Black and Spanish Speaking Populations, Chicago SMSA, 1970	75
II.	Aid to Families with Dependent Children: Recipients of Money Payments and Amounts of Payments, by State, December 1973	78
III.	Chronology of Selected Federal Labor Legislation	80

I. DEMOGRAPHIC PROFILE

POPULATION

According to the 1970 census, the total population of the United States is 203,210,158.[1] The total female population is 104,328,448, and the total male population is 98,881,710. Thus, women comprise 51 percent of the total population.

Within each racial and ethnic group, the figures are similar. Black women represent 52 percent of the black population; Chicanas are 50 percent of the Mexican American population. Puerto Rican women comprise 51 percent of all Puerto Ricans; Japanese American women represent 54 percent of the Japanese American population. Native American women are 51 percent of all Native Americans, and white women comprise 51 percent of the white population. Women of all races, therefore, comprise more than half of each racial and ethnic group, with only two exceptions. Chinese American women represent 48 percent of the Chinese American population, and Filipino American women comprise 46 percent of all Filipino Americans.

Age Distribution

The age distributions of men and women do not differ significantly except at the extremes. Of all males, 40 percent are age 19 and under, compared with 36 percent of all females, while 9 percent of males are age 65 and over, compared with 11 percent of all females. Women comprise 49 percent of all persons under 19 years of age. Black, Mexican American, and Native American women comprise 50 percent of all black, Mexican American, and Native American persons under 18. Puerto Rican women represent 49 percent of all Puerto Ricans in this age group, while Japanese and Chinese American women represent 49 percent and 48 percent, respectively, of all Japanese and Chinese American persons under 19. Filipino American women represent 48 percent of all Filipino Americans under 19. White women represent 49 percent of all white persons under the age of 19.

Older women outnumber men by a larger margin. There are 11,665,002 women over the age of 65, compared with 8,436,167 men in that age group. Women over 65 thus comprise 58 percent of all persons over 65.

Within most racial and ethnic groups, the figures are similar; there are more women over the age of 65 in each group, with only two exceptions. Black women represent 56 percent of the black population over 65; Puerto Rican women represent 58 percent of all Puerto Ricans over 65 years. Japanese women comprise 57 percent of all Japanese persons over 65, and white women represent 59 percent of all white persons over 65. In the Mexican American population, women are 51 percent of all persons over 65, and in the Native American population, women are 52 percent of all persons in this age group. Chinese American women, in contrast, represent only 43 percent of the Chinese Americans over 65, while Filipino American women represent only 18 percent of all Filipino Americans over 65.

Marital Status and Household Composition

Women Alone.—In 1970 there were 7,722,000 women *living alone or with nonrelatives*. This was an increase of 51 percent (2,616,000 women) over 1960, when 5,106,000 women lived alone. Of women living alone or with nonrelatives in 1970, 50 percent (3,985,000 women) were over the age of 65, whereas in 1960, 45 percent (2,304,000 women) were 65 years or older. Between 1960 and 1970, therefore, there was an increase of 73 percent[2] in the number of women 65 and older who live alone or with nonrelatives.

[1] The 1970 census reports are the source for all data cited unless otherwise noted. See tables 8-11, app. I *infra*.

[2] U.S. Census Bureau, Dep't of Commerce, *We the American Women* (1973).

The largest proportional increase of women living alone or with nonrelatives occurred among women age 20 to 34. In 1960, 377,000 women aged 20 to 34 years lived alone or with nonrelatives; in 1970, 787,000 women in this age group lived alone or with nonrelatives, an increase of 108 percent. Although these women are only a small proportion of all women living alone or with nonrelatives, their numbers more than doubled between 1960 and 1970.[3]

A total of 2,425,000 women between the ages of 35 and 64 lived alone or with nonrelatives in 1960; this figure had risen to 2,950,000 by 1970. This represents an increase of 21 percent, or 525,000 women.

Marital Status.—Of the total female population over 14 years of age, 44,481,843 are married and living with their husbands, representing 57 percent of the female population over 14 years of age. In addition, 1,740,328 women are separated, representing 2 percent of the female population over 14, and 1,444,260 women are married with husbands absent for reasons other than separation; these women represent 2 percent of the female population. The 3,004,278 women who are divorced comprise 4 percent of the female population over 14, while the 9,615,280 women who are widowed represent 12 percent of the female population over 14. The 17,624,105 single women represent 23 percent of the total female population over 14. A total of 33,428,251 women over 14, therefore, are living without husbands; this represents 43 percent of the female population age 14 and over. Of all persons who live without a spouse, 55 percent are women.

Among black women over 14 years of age, 29 percent are single, compared with 27 percent of Spanish speaking and 22 percent of white women. Of all Spanish speaking women, 55 percent are married and living with their husbands, compared with 41 percent of black women and 49 percent of white women. A much higher percentage of black women are separated from their husbands —9 percent—than either white or Spanish speaking women; white women, however, have a lower rate of separation than do Spanish speaking women. Of all white women, 1 percent are separated, while 4 percent of Spanish speaking women are separated. Almost 3 percent of both black and Spanish speaking women are married with husbands absent for reasons other than separation, compared with almost 2 percent of white women. The highest proportion of widowed women is found among black women, 13 percent of whom are widows, and white women, 12 percent of whom are widows; in contrast, nearly 8 percent of Spanish speaking women are widows. Of black women, 5 percent are divorced, compared with about 4 percent of Spanish speaking and white women.

Women with Children under 18 Years Old.—Husband-wife families represent 86 percent of all families; and the 44,010,521 husband-wife families contain a total of 58,122,122 children under 18 years old. In addition, families of women without husbands contain a total of 7,066,645 children under 18. Separated women have 2,111,932 children; married women whose husbands are absent for reasons other than separation have 621,334 children. Widowed women have 1,589,557 children; divorced women have 2,192,358 children; and single women have 551,464 children.

Of children under 18 who live with their own families, 48,122,122, or 87 percent, live with both parents. Over 3 percent (2,243,190) of all children under 18 live with their mothers, who are separated from their husbands, while nearly 2 percent of children (1,225,876) live with mothers who are married, but whose husbands are absent for reasons other than separation. Almost 2 million children, or 3 percent of all children, live with widowed mothers, while nearly 4 percent (2,402,719) live with divorced mothers, and 1 percent (640,441) live with single mothers.

Female Heads of Household

The Census Bureau defines "household" as including "all the persons who occupy a single housing unit" and designates one person as the head of the household. According to the Census Bureau's definition, the head of the household is the "person who is regarded as the head by the members of the household." However, the Census Bureau does not follow this guideline with regard to husband-wife families. The census definition continues with the statement that, "However, if a married woman living with her husband was reported as the head, her husband was con-

[3] *Id.*

sidered the head for the purpose of simplifying the tabulations." The head of household, therefore, can only be designated as a woman in census reports if there is no husband living in the household.

Because of this policy, it is impossible to ascertain from census data the actual number of households which are "headed" by women. Women whose incomes provide the majority of support in a husband-wife household, for example, cannot be considered to be heads of household, according to Census Bureau tabulations. It is thus impossible to determine the extent to which a husband-wife household may, in reality, be "headed" by the wife, or the extent to which such households are, in fact, equal partnerships. In this paper, therefore, "female head of household" must necessarily refer only to single, widowed, separated, and divorced women—in other words, women without husbands.

Census data reveal that there are 8 million primary individual, female-headed households in the United States. In addition, 6 million households containing two or more persons (families) are headed solely by women. Female heads of household [4] comprise 13 million of the 62 million heads of households, or 22 percent of the total. Within each racial and ethnic group the figures differ markedly.

Two million black women are sole heads of household, comprising 34 percent of all black households. Approximately 11 million white women are sole heads of households; this represents 20 percent of all white households. Native American households which are headed solely by women comprise 24 percent of all Native American households, and Puerto Rican households headed solely by women represent 27 percent of all Puerto Rican households. Japanese, Chinese, Filipino, and Mexican American women have the lowest representation as sole heads of households; 19 percent of Japanese American households, 17 percent of Mexican American households, 13 percent of Filipino American households, and 12 percent of Chinese American households are headed solely by women.

INCOME

Source of Income

Women receive income from various sources in addition to earnings.[5] However, of the total female population, the largest percentage earns wages; over 35 percent of the female population receive income from wages. In addition, 24 percent of the total female population receive income from sources other than earnings, representing 42 percent of all persons receiving such income. These sources include social security and Government railroad retirement benefits, which 11 percent of the female population receive, as well as public assistance and welfare payments, which 4 percent of the female population receive.

Additionally, 11 percent of all women receive

[4] A *household* consists of all the persons who occupy the same dwelling unit, which may be a house, an apartment or other group of rooms, or a single room. A *family* is a group of two or more persons who reside together and are related by blood, marriage, or adoption. A *primary family* is a family which includes among its members the head of the household. A *secondary family* is a family which lives in the same dwelling unit with a primary family but which does not include among its members the head of the household (examples are guests, lodgers, or resident employees).
A *head of household* is a person who heads a primary family or is the primary individual who lives alone or with the relatives in a dwelling unit.
A *head of family* may be the head of a primary family or the head of a secondary family.

[5] See tables 12-14 in app. I, *infra*.

TABLE 1

CHILDREN LIVING WITH OWN FAMILY, UNDER 18, BY TYPE OF FAMILY

Total Children	*Husband and Wife*	*Mother Separated*	*Mother Other*	*Mother Widowed*	*Mother Divorced*	*Single*
66,435,761	58,122,122	2,243,190	1,225,876	1,883,532	2,402,719	640,441
100%	87.5%	3.8%	1.7%	3.0%	3.7%	0.8%

Source: U.S. Bureau of the Census, Dep't. of Commerce, *Detailed Characteristics*, PC(1)–D1, at 660 (1970).

income from dividends, interest, net rental income, income from estates or trusts, and net royalties. Three percent of all women receive income from unemployment and workers' compensation, government employee pensions, and veterans assistance. Over 3 percent of all women receive income from private pensions, annuities, and alimony. A small percentage of women are self-employed and receive income from their farms or businesses; 1.9 percent of the total female population receive income from nonfarm self-employment, while 0.42 percent of all women receive income from farm self-employment.

Although the largest percentage of income received by women in 1972 consisted of wages and salaries, women represented only 41 percent of all persons receiving wages and salaries. Further, 48 percent of the female-headed families which received wages or salaries had income below the poverty level.

More women than men received social security and government retirement benefits; 56 percent of the total number of recipients of such income were women. However, women received only 67 percent of the amount of benefits received by men.

Women also received smaller amounts of income from private pensions, annuities, and alimony than did men; women's income from these sources represented 88 percent of men's income. Overall, slightly more men than women received income from these sources; women represented 49 percent of all persons receiving income from private pensions, annuities, and alimony. However, a larger number of female heads of families than male heads of families received income from these sources. Further, a much larger percentage of these female-headed families were living in poverty (16 percent, compared with 3 percent of male-headed families).

Women received the largest percentage of public assistance and welfare payments; women, in fact, represented 73 percent of all persons receiving income from these sources. The median public assistance payment to women totaled $1,243, as compared to $993 for men. However, a much larger percentage of female-headed families receiving public assistance and welfare were living in poverty; 56 percent were in poverty, compared with 20 percent of male-headed families receiving public assistance and welfare.

Only 32 percent of all persons receiving income from dividends, interest, net rental income, income from estates or trusts, and net royalties were women. Nevertheless, women received a slightly higher median income from these sources than did men; while women received $384, men received $366.

Women represented 29 percent of all persons receiving unemployment and workers' compensation, government employee pensions, and veterans assistance. The median income received by women from these sources totaled only $828, or 81 percent of that received by men ($1,018).

Although the percentage of the female population receiving income from nonfarm self-employment was quite small (1.9 percent), women represented 25 percent of all persons receiving such income. The earnings gap between women and men receiving income from nonfarm self-employment was extremely large; women earned $880, compared to $5,223 for men. These self-employed women, thus, earned merely 17 percent of the amount earned by similarly employed men.

At least six times more men than women received income from farm self-employment; women represented only 13 percent of all persons receiving income from this source. The median income which women received from farm self-employment ($738) was less than half the income received by men ($1,614).

General Income Analysis

The median family income of the 54.4 million families in the United States climbed to $11,120 in 1972, an increase of 8.1 percent over the 1971 median family income of $10,290.[6] For persons 14 years old and over receiving income in 1972, the median incomes of women and men were $2,600 and $7,450 respectively. The rate of increase between 1971 and 1972 for both men and women was 7.9 percent. Between 1971 and 1972, the median income for women working year round full time increased by 6.2 percent, reaching a level of $6,050. The median income for men working year round full time increased 9.4 percent in that time period, to $10,540.[7]

[6] U.S. Dep't of Commerce, *Consumer Income*, Series P-60, No 90 at 1 (Dec. 1973).
[7] *Id.*

In March 1973, approximately 46.3 million families had both a husband and wife present, whereas 6.6 million families were headed by a woman alone. The median income of husband-wife families was $11,900 in 1972, compared with a median income of only $5,340 for families headed by a woman alone. About 37 percent of the families headed by a woman had incomes below $4,000 in 1972, compared with only 8 percent for husband-wife families. The proportion of families in the lower income group that are headed by women has increased by 24 percent in recent years, from 5.3 million in March 1968 to 6.6 million in March 1973.[8]

At the upper end of the income distribution, only 9 percent of families headed by a woman had incomes of $15,000 or more, compared with 34 percent of the husband-wife families. The median income in 1972 of husband-wife families with wife in the paid labor force was $13,900, or 32 percent higher than the median income ($10,560) for families in which the wife was not in the paid labor force.[9]

In 1972, the median income for black and white persons 25 years of age and over was as follows: white men, $9,378; black men, $5,648; white women, $3,073; black women, $2,730.[10]

The median income earned by white female heads of families ($6,205) was 62 percent of that earned by white male heads ($11,504) where the wife was not in the labor force. White unrelated females had a median income ($3,282) which was 71 percent of that earned by similarly situated white males ($4,607). Black female heads of families had a median income of $4,335 or 67 percent of that of black male heads of families ($8,072) where the wife did not work. Spanish speaking female heads of families had a median income of $4,501 or 54 percent of that of Spanish speaking male heads, whose median income was $9,192.[11]

Unrelated white males had a higher median income ($4,800) than black or Spanish speaking female heads of families ($4,335 and $4,501, respectively) as well as all unrelated females ($3,282). The lowest median incomes were those of unrelated black and Spanish speaking females ($2,232 and $2,619, respectively). White "male-headed" families with wife in the labor force have the highest median income ($13,186) of any group. This compares with $9,857 for similarly situated black families, and $11,105 for similarly situated Spanish speaking families.

Earnings

The Earnings Gap.—A significant income disparity exists between women and men workers; women who work full time throughout the year earn $3.00 for every $5.00 earned by men who are similarly employed.[12] Although the amount of the earnings gap has varied over time, women today fare worse than they did 20 years ago. In 1955, for example, women's median wage or salary income totaled 64 percent of men's income. By 1970, the gap between women's and men's earnings had increased; women earned a median income which was only 59 percent of men's. The Women's Bureau of the Department of Labor estimates that in 1973 women's earnings were between 58 and 60 percent of men's earnings.[13]

The disparity between the earnings of women and men is also illustrated by the number of female and male full-time year-round workers at low and high earnings levels. For example, in 1970, 12 percent of all women employed full time earned less than $3,000, compared with only 5 percent of men. Moreover, almost half of all full-time working women (45 percent) earned less than $5,000, compared with only 14 percent of men. In the higher earnings level, the figures are reversed; only 7 percent of women earned $10,000 or more in 1970, while 40 percent of men earned more than $10,000. Additionally, 96 percent of the jobs paying $15,000 or more in 1969 were held by white men. Only 2 percent of all full-time employed women had incomes over $15,000.[14]

Racial and Ethnic Differentials.—Wage and salary differentials between women and men vary when analyzed by race and ethnicity. However, women of all races and ethnicities consist-

[8] *Id.* at 2.
[9] *Id.* at 2.
[10] U.S. Dep't of Commerce, *supra* note 6 at 124, 128.
[11] See table 15, app. I, *infra*.

[12] U.S. Women's Bureau, Dep't of Labor, *Fact Sheet on the Earnings Gap.*
[13] *Id.*
[14] J. K. Galbraith, "The Galbraith Plan to Promote the Minorities," N. Y. Times Magazine, Aug. 22, 1971.

ently earn less than white men. Minority women earn less than men of their own racial or ethnic group; minority women also have lower incomes than white women. But white women's earnings are significantly lower than white men's and are also lower than the earnings of minority men (with the exception of Native American and Filipino men).

For example, in 1969 the median earnings of white women represented 47 percent of white men's; additionally, white women earned 82 percent of the amount earned by Puerto Rican men, 72 percent of the amount earned by black men, and 55 percent of the amount earned by Japanese men.

Black working women had median earnings of $3,280, which represented 78 percent of white women's median earnings, 56 percent of black men's median earnings ($5,809), and 37 percent of white men's median earnings ($8,870). Minority women of other racial and ethnic groups also earned less than white women, men of their own racial or ethnic background, and white men.

Tables 16 and 17 [15] depict these disparities and reveal that the disparity is generally greatest between the earnings of minority women and white men. The smallest gap is between the earnings of minority women and white women.

Puerto Rican women earned 58 percent of the amount earned by Puerto Rican men; the median earnings of Puerto Rican women, however, represented only 33 percent of white male median earnings. Similarly, the median earnings of Mexican American women represented only 21 percent of the earnings of white men and 40 percent of the earnings of Mexican American men. Cuban women earned 51 percent of the amount earned by Cuban men but only 32 percent of the amount earned by white men.

The median earnings of Native American women were 48 percent of the earnings of Native American men; but Native American women earned only 19 percent of the amount earned by white men. Chinese American women earned 51 percent of the amount earned by Chinese American men and 30 percent of the earnings of white men. Japanese American women earned 43 percent of the amount of Japanese American men's earnings; the median earnings of Japanese American women, however, represented only 36 percent of white male median earnings.

The Earnings Gap Within Occupations and Industries.—The extent of the earnings gap between women and men also varies depending upon the *occupation* and the *industry* in which they are employed. In 1970, for example, the largest salary differential existed among *salesworkers*, with female salesworkers earning only 43 percent of the amount earned by male salesworkers. Although the gap is still large, the smallest salary difference between female and male workers was in the *professional-technical occupations*, where women's earnings were 67 percent of men's earnings. Among *service workers*, men earned $6,995 while women earned $3,953 or 57 percent of men's earnings.

The income disparities between women and men employed in the same industry are often as significant as those within occupational categories. Women craftworkers and operatives working in *manufacturing* industries, for instance, earned $4,641, compared with $10,069 for men. Thus, women's earnings are 46 percent of men's. In *entertainment and recreation services*, women earned $6,318, or 87 percent of men's earnings ($7,240). Within *construction* industries, women earned 49 percent ($3,761) of the amount earned by men ($7,717).

Explanations of the Earnings Gap.—Several explanations have been offered to account for the earnings disparity between women and men workers. For example, the disparity has been attributed to the fact that *women generally work part time*. However, the available data reveal that female part-time employment is too limited to account for the earnings gap. Of the total female civilian labor force that worked in 1970, only 30 percent of the women worked part time, compared with 14 percent of employed men. The great majority of women workers—70 percent—work full time.

In addition, the figures in table 2 (which apply only to full-time year-round workers) reveal that the earnings gap persists between women and men similarly employed.

Another reason given for the earnings gap is that women are employed in low-skilled, low-

[15] See app. I, *infra*.

TABLE 2

MEDIAN INCOME OF FULL-TIME, YEAR-ROUND WORKERS, BY SEX AND MAJOR OCCUPATIONAL GROUP, 1970

Major occupation	*Median wage or salary income*		*Women's median wage or salary income as percent of men's*
	Women	*Men*	
Professional and technical workers	$7,878	$11,806	66.7%
Nonfarm managers, officials, and proprietors	6,834	12,117	56.4
Clerical workers	5,551	8,617	64.4
Sales workers	4,188	9,790	42.8
Operatives	4,510	7,623	59.2
Service workers (except private household)	3,953	6,955	56.8

Source: U.S. Women's Bureau, Dep't of Labor, *Fact Sheet on the Earnings Gap.*

income jobs. But even among service workers—low-paying occupations in which women are heavily concentrated—their earnings are substantially lower than men's. While the earnings of male service workers in 1972 were $7,630, female service workers earned only $1,833, or 24 percent of men's earnings.

Thus, the inequity is due in large measure to the fact that, even within occupations, women tend to occupy the jobs which are the least valued and which pay the least. These include jobs as cooks, nurses' aides, and waitresses, which pay less than jobs as chefs, bartenders, guards, custodians, and maitres d'hotel which are generally held by men.

A similar situation obtains within *clerical and kindred* occupations, in which men's median income was $9,716 in 1972 and women's was $4,290, or only 44 percent as high. Again, women are more likely to be employed in lower-paying positions as typists, stenographers, secretaries, and file clerks, while men tend to be employed as administrative assistants—a higher-paying clerical occupation.

Finally, it is often suggested that women earn less than men because women have less education and training. However, even when education is held constant, the disparity between female and male earnings remains.

In all instances in which women and men share the same educational attainment, men have higher incomes than women, regardless of race or ethnicity. In addition, women consistently have lower incomes than do men with less education. For example, women with 5 to 7 years of elementary school earn less than men with fewer than 5 years of elementary school. Furthermore, women who have completed 1 to 3 years of high school have lower median incomes than men with less than 5 years of elementary school education.

Within each racial or ethnic group, the figures are similar. For example, white women with 5 or more years of college have lower median annual incomes than do white men with 4 years of high school. Similarly, women of Spanish origin who have completed 5 or more years of college have lower median annual incomes than men of Spanish origin who have completed 4 years of high school. Black women with 1 to 3 years of college have lower median annual incomes than black men with 5 to 7 years of elementary school.

Of women with education ranging from less than 5 years up to 8 years of elementary school, women of Spanish origin earned a higher median annual income than both white and black women. However, among women with 1 to 4 years of high school education, white women earned slightly more than either black women or women of Spanish origin. Among women with college educations of up to 5 years or more, black

women have consistently higher incomes than either white women or women of Spanish origin.

Black women with 4 years of college earn less than white men with 1 to 3 years of high school; women of Spanish origin with 4 years of college earn less than white men with 8 years of elementary school; and white women with 4 years of college earn less than white men with 8 years of elementary school.

The gap is smaller but significant, nonetheless, for minority men. For example, black men with 4 years of college earn less than white men with 4 years of high school; however, they earn slightly more than white men with 1 to 3 years of college. Men of Spanish origin with 4 years of college earn less than white men with the same educational attainment; but men of Spanish origin with 4 years of high school earn less than white men with only 1 to 3 years of high school.

White men, in fact, have the highest median income in all occupational categories, regardless of educational attainment. As noted earlier, Galbraith has pointed out that white men held 96 percent of all jobs paying $15,000 or more in 1969. Women of all races and minority men, therefore, held only 4 percent of these high salary positions.

Within each age group, women consistently earn less than men. For white women, the earnings gap is greatest between ages 35 and 54; white women's median earnings ($4,172) are 44 percent of white men's earnings ($9,392). The earnings gap is smallest between ages 55 and 64; white women's median earnings are $4,312, which represents 53 percent of the amount earned by white men of the same age group ($8,145). For black women, the gap is greatest between ages 55 and 64; black women in this age group have median earnings of $2,517, representing only 50 percent of black men's median earnings ($5,051). The gap is smallest between the ages of 25 and 34, in which black women's median earnings ($3,663) are 62 percent of black men's ($5,893).

The earnings gap between women and men of Spanish or Asian origin increases with age, with the exception of Cuban women and men. For Puerto Rican women, the gap is greatest between ages 45 and 64, when they earn 54 percent of the amount earned by Puerto Rican men. The gap is smallest between 25 and 34; Puerto Rican women in this age group earn 75 percent of the earnings of Puerto Rican men.

For both Mexican American and Native American women the earnings gap is greatest between ages 45 and 64. Within this age group, Mexican American women earn only 38 percent of Mexican American men's earnings, and Native American women earn 43 percent of Native American men's earnings. However, between the ages of 25 and 34, Mexican American women's earnings climb to 64 percent of Mexican American men's earnings, and Native American women's earnings total 70 percent of the amount earned by Native American men.

The age differential is perhaps most dramatic among Chinese and Japanese American women. Between the ages of 20 and 24, Chinese American women earn 95 percent of the amount earned by Chinese American men, and Japanese American women's earnings total 93 percent of the amount earned by Japanese American men. However, in the age group 35 to 44, Chinese American women's earnings drop to only 46 percent of Chinese American men's, and Japanese American women earn only 40 percent of the amount earned by Japanese American men.

In contrast, the earnings gap between Cuban women and Cuban men is greatest in the age group 25 to 34, where women earn only 49 percent of men's earnings. The gap is smallest in the age group 20 to 24, in which Cuban women earn 72 percent of the amount earned by Cuban men.

The earnings gap between women and men of each racial or ethnic group, computed over a lifetime of work, further illustrates the disparity between female and male income. In no case do women earn more than 60 percent of the amount earned by men of their racial or ethnic group. The smallest earnings gap is between Puerto Rican women and men, with Puerto Rican women earning 58 percent of the amount earned by Puerto Rican men. Similarly, black women earn 56 percent of the amount earned by black men. Chinese American women earn only 51 percent of the earnings of Chinese American men.

The earnings gap for Cuban, Japanese, Mexican American, Native American, and white women is even greater. Native American women's earnings total only 48 percent of the earnings of

Native American men, while white women earn 47 percent of the amount earned by white men. Japanese American women's earnings comprise merely 43 percent of the earnings of Japanese American men, while Cuban women earn only 41 percent of the amount earned by Cuban men. Mexican American women earn just 40 percent of the amount earned by Mexican American men.

Poverty Income Analysis

For women as a class, both "old age" and status as "head" of a family have a high correlation to poverty status; this poverty status is even far more frequent for women who are members of racial and ethnic minority groups.[16]

There were 53,296,000 families in the United States in March 1972, of which 6,191,000, or 12 percent, were headed by women alone. Of the female-headed families, 2,100,000 were living in poverty compared with 3,203,000 male-headed families. There has been an increase of 33 percent in the number of female-headed families living in poverty in the last decade. These female-headed families represent 40 percent of all families below the poverty line. Further, 34 percent of all female-headed families are below the poverty level, while 7 percent of all male-headed families are poor.

When these data are analyzed by race and ethnicity, it is clear that, while female-headed families of all races and ethnicities have disproportionately high rates of poverty, families headed by minority women suffer most severely. For example, while 32 percent of black families are female headed, 54 percent of these are in poverty. Fourteen percent of Mexican American families are female headed; 66 percent of these live in poverty; while 28 percent of Puerto Rican families have female heads, 65 percent of these live below the poverty level. Nine percent of white families are female headed, with 27 percent of these living in poverty.[17]

Of these female-headed families in poverty, 50 percent receive earnings (compared with 73 percent of male-headed families in poverty), while 56 percent receive public assistance (compared with 20 percent of male-headed families), and 21 percent receive social security (compared with 30 percent of male-headed families).

There are probably more female heads of families living in poverty than the Census reports, since differential poverty cut-off levels were established for families with female as compared with male heads. For example, the poverty cut-off level for a female-headed family with two dependent children is $2,931, while for a male-headed family of the same type it is $3,137. Thus, a woman who heads a family with two dependent children and earns only $3,137 would not be considered to be living in poverty, although a similar male-headed family would be classified as living in poverty.

Of female "unrelated individuals," 3,611,000 are living in poverty, compared with 1,543,000 of the male unrelated individuals. Additionally, while these men are fairly evenly distributed by age, the women are not; 59 percent of the women are over 65 years of age, compared with 29 percent of the men; 30 percent of the women are 25-64 years old, compared with 40 percent of the men.

"Older" women (age 65 and over) receive the lowest median annual income of any age or sex group; this income of $1,899 is approximately half the amount received by men in the same age group ($3,476).

The current economic status of older women is determined by disparate benefits from social security and pensions and disparate dependence on public assistance. In 1970, for instance, 68 percent of the recipients of Old Age Assistance were women. Social security benefits are paid to 13.8 million women; of these, half receive benefits based on their own work, while half receive wives' or widows' benefits. The average monthly social security benefit paid to women is only $100. Further, the average benefit paid to retired women represents between 75 to 80 percent of the average benefit paid to retired men.

A married woman's income can often account for her family's not living in poverty. As of March 1972, 4.1 million female workers were married to men who had incomes below $5,000 in 1971. In addition to these families, another 3 million working women were married to men

[16] See tables 19-20, app. I, *infra*.

[17] Data for black and white women are for 1971 (U.S. Women's Bureau, Dep't of Labor, *Facts About Women Heads of Household and Heads of Families*), and data for Puerto Rican and Mexican American women are for 1970.

TABLE 3

POVERTY INCOME LEVELS FOR MALE- AND FEMALE-HEADED FAMILIES

Family Size	*Number of Dependent Children under 18*	*Poverty Threshold for Families with Male Heads*	*Poverty Threshold for Families with Female Heads*
2	0	$2,469	$2,282
	1	2,766	2,491
3	1	2,968	2,651
	2	3,137	2,931
4	1	3,847	3,771
	2	3,715	3,753
	3	3,902	3,715. .
5	1	4,630	4,500
	2	4,481	4,481
	3	4,368	4,444
	4	4,462	4,294
6	1	5,265	5,191
	2	5,153	5,153
	3	5,041	5,115
	4	4,891	4,948
	5	4,967	4,798
7 or more	1	6,665	6,497
	2	6,535	6,478
	3	6,422	6,422
	4	6,274	6,255
	5	6,049	6,124
	6	5,994	5,825

Source: U.S. Bureau of the Census, Dep't of Commerce, *Public Use Samples of Basic Records from the 1970 Census: Description and Technical Documentation* 122 (1972).

whose incomes ranged between $5,000 and $7,000. Thus, without the wages of the female partners, an additional 7 million families would have been living below the poverty level.

These data reveal not only that older women and female heads of families are disproportionately represented among poverty-level persons, but also that these women receive income from both public assistance and earnings.

EMPLOYMENT

Participation of Women in the Labor Force

In the first three quarters of this century, there has been an overall increase in women in the labor force, with a peak occurring during World War II. In 1900 women represented 20 percent of the country's work force.[18] During the Second World War, women's participation in virtually every industry increased dramatically in response to the wartime loss of male civilian employees; the total number of women working increased from 25 to 34 percent of the female population between 1941 and 1944, an increase of 3 million women.[19]

At the close of the war these women employees were either fired or discouraged from continuing in their careers in order to make room for the returning male veterans. In New York State, for example, women comprised 33 percent of the work force during the war; by 1946 this figure had dropped to the prewar level of 25 percent.[20] The postwar years saw an increase in the

[18] All statistics refer to tables 21-23, app. I, *infra*, unless otherwise noted.

[19] Tobias & Anderson, *Whatever Happened to Rosie the Riveter? Ms.*, June 1973 at 92-94.

[20] *Id.* at 93.

number of women going to work; by 1960 women constituted nearly 40 percent of the work force. In fact, over the past 20 years, the increase in the rate of labor force participation has been much greater for women than for men; between 1950 and 1970, the number of men working increased by only 15 percent, while the number of women working increased 70 percent.[21]

In 1970, women 16 years of age and over represented 37 percent of all workers; white women represented 36 percent of all white workers; and minority women comprised 42 percent of all minority workers.[22] Of these minority workers, Spanish speaking women were 33 percent of the Spanish speaking labor force, and black women represented 44 percent of the black work force.

Occupational Distribution of Working Women

In 1900, 36 percent of all women workers were private household workers; in 1970, only 4 percent of women workers labored in private households. In 1900, 19 percent of women workers were farmworkers, whereas in 1970 this figure had dropped to 1 percent. At the turn of the century, 28 percent of women employed were manual laborers, and only 8 percent were professional, technical, and kindred workers, while 4 percent were clerical employees, and 4 percent were salespersons.

By 1970 overall representation of women in service, clerical, and professional-technical occupations had increased. In that year, 13 percent of all employed women worked as service workers, a category which includes beauticians, waitresses, and attendants.[23]

Of all employed women in 1970, 35 percent were clerical workers (e.g., bookkeepers, secretaries, typists, and file clerks). This represents a doubling of the number of female clerical workers in the 20-year period between 1950 and 1970; in 1950 approximately 25 percent of all women workers were in the clerical category—a traditional female preserve—compared with 35 percent in 1970.[24]

Between 1940 and 1970, women's representation in the professional-technical area decreased. This job category includes teachers, nurses, technicians, physicians, and lawyers. As compared with the total work force, women held 45 percent of all professional-technical positions in 1940, while in 1969 women held only 37 percent of such positions. As compared with other working women, those holding professional-technical jobs represented 16 percent of the female work force in 1970. Of these professional-technical workers, nearly half—40 percent—were employed as elementary and secondary school teachers.

The majority of women workers, therefore, are employed in traditionally "female" occupations; 67 percent of all women workers are either clerical, service, or professional-technical workers. Within these occupational categories, women are concentrated in the lower-level, lower-paying jobs; positions of authority, higher salary, and prestige within these "women's" occupations are generally held by men. Thus, for example, in education (where 40 percent of all professional-technical women are employed) 68 percent of all elementary and secondary school teachers are women, while only 27 percent of all elementary and secondary school administrators are women.

Women are 76 percent of all clerical workers but only 4 percent of all craftpersons and forepersons; women are 40 percent of professional and technical workers but hold only 17 percent of the managerial and administrative positions (nonfarm)[25] within that job classification.

Minority women are even more heavily concentrated in the low-paying, low-status occupations. Four percent of all working women are employed as private household workers. Such jobs are held by 18 percent of black working women, 4 percent of Spanish speaking women, and only 2 percent of white working women.

In professional-technical occupations, minority women are disproportionately underrepresented. Only 11 percent of employed black women and 10 percent of employed Spanish speaking women are employed in professional-technical occupations, as opposed to 16 percent of employed

[21] Bergmann, The Economics of Women's Liberation at table I; Paper prepared for delivery at American Psychological Association Convention, Washington, D.C. (1971).
[22] U.S. Bureau of the Census, Dep't of Commerce, *Statistical Abstract of the United States* 220 (94th ed. 1973).
[23] U.S. Bureau of the Census, *supra* note 2 at 6.
[24] U.S. Women's Bureau, Dep't of Labor, *Underutilization of Women Workers* 9 (1971).
[25] U.S. Women's Bureau, Dep't of Labor, *Twenty Facts on Women Workers* (1973).

white women. In contrast, 15 percent of employed white men, 6 percent of employed black men, and 9 percent of Spanish speaking men are professional-technical workers.

The largest category of women workers is clerical (35 percent): 37 percent of white employed women, 30 percent of Spanish speaking employed women, and 21 percent of black employed women are clerical workers.

Women are generally grossly underrepresented in occupations which have traditionally been defined as "male" preserves. For example, only 7 percent of all physicians in 1968 were women; and women represented only 9 percent of scientists, 3 percent of lawyers, and 1 percent of engineers.[26]

Industrial Distribution of Working Women

Women are generally concentrated in "women's work" industries, including service industries, and in the lowest level jobs within other industries, including jobs as assemblers and operatives in manufacturing and clerical positions in government.

In the service industries, including food, health, and cleaning services, women represented 51 percent of the employees in 1965, compared with 54 percent in 1972. Women were 43 percent of all government employees in 1972, up from 39 percent in 1965. However, women employed in government—Federal, State, and local—are primarily concentrated in the lower grade level jobs (GS–1–6),[27] particularly in clerical positions, while men are generally heavily overrepresented in the highest grade level positions (GS–13–18).

According to Civil Service Commission figures,[28] 74 percent of all female Federal employees are at grades 1–6, whereas only 41 percent of all male Federal employees are at these grade levels. Forty-five percent of federally-employed men are at grades 7 through 12, while only 25 percent of federally-employed women are in these grades. Similarly, 14 percent of male employees of the Federal Government are in jobs at grades 13 through 18, whereas only 1 percent of female employees are in grades 13 and above. In fact, men currently hold 96 percent of all GS–14 jobs, 97 percent of all GS–15 jobs, 98 percent of all GS–16 jobs, 98 percent of all GS–17 jobs, and 99 percent of all GS–18 positions.

The Civil Service Commission reports that white women represent 31 percent of all white-collar Federal employees; black women, 8 percent; Spanish speaking women, 1 percent; Native American women, 0.6 percent; and Asian American women, only 0.3 percent.

Women workers are almost nonexistent in construction industries. Of all employed women, a mere 0.9 percent work in construction industries, compared with 8 percent of all employed men. Similarly, 0.38 percent of black working women and 0.68 percent of Spanish speaking working women are employed in construction jobs as compared with 9 percent of black working men and 9 percent of Spanish speaking working men.[29]

Women represented 26 percent of all employees in manufacturing industries in 1965; their representation increased to only 28 percent in 1972. Among employed women, almost 2 percent work in manufacturing, as compared with almost 3 percent of employed men. Of black employed women, 16 percent are employed in manufacturing as opposed to 31 percent of employed black men. Twenty-five percent of employed Spanish speaking women are in manufacturing, compared with 29 percent of employed Spanish speaking men.

Women employees, however, are predominantly in low-wage jobs as operatives, including jobs as seamstresses, assemblers, and packers; women seldom are forepersons or supervisors. In 1972, for instance, 6,908,000 women were employed in manufacturing industries. Of these, only 318,000 were in professional and managerial positions. The majority (4,641,000) were employed as operatives and craftspersons, with 1,755,000 employed in clerical and sales posi-

[26] U.S. Women's Bureau, *supra* note 24 at 10 (1974).

[27] The GS, or General Schedule, pay system refers to a standardized Federal pay scale for white-collar employees. The GS system is computed on an annual basis. Annual GS salaries, as of Sept. 1973, start at $5,017 for a GS–1, increasing at each succeeding GS level. For example a GS–5 pays $8,055 per year and a GS–11 pays $14,671 per year. The top level, GS–18, pays $36,000 a year.

[28] U.S. Civil Service Comm'n, *Study of Employment of Women in the Federal Government* (1972).

[29] The figure for white males as a percentage of the total is unavailable.

tions. Of the 15,814,000 men employed in manufacturing, 2,872,000 were in professional and managerial positions, 10,069,000 in craft positions and as operatives, and 1,343,000 in clerical and sales jobs.

Transportation, communications, and other public utilities employ 4 percent of working women, compared with 9 percent of all working men. Similarly, 3 percent of employed black women—compared with 10 percent of employed black men—and 3 percent of employed Spanish speaking women—compared with 8 percent of employed Spanish speaking men—were employed in these industries. While the majority of both women and men are employed as craftpersons and operatives, women are more likely to be found in the low-paying operatives' jobs, with craft jobs almost exclusively the province of men. This holds true across all industries.

Unemployment

The unemployment rate in the United States varies according to race, sex, and age. Minority teenage women, for example, have the highest unemployment rate of any racial or ethnic and sex group: 39 percent in 1972. In contrast, white adult men had the lowest rate of unemployment —4 percent.

Within each racial and age group (teenage or adult), with the exception of white teenagers, women have consistently higher rates of unemployment. Thus, the unemployment rate in 1972 for adult white women was 5 percent. The unemployment rate for minority adult women was 9 percent, while for minority adult men it was 7 percent. The unemployment rate for minority teenage women was 39 percent; for minority teenage men it was 30 percent. For white teenage women and men, the unemployment rate was the same (14 percent).

Furthermore, minority women and men within each age category consistently have higher unemployment rates than do white women and men, though the rate for white women is usually higher than that for white men. Thus, in 1972, minority teenage women and men had unemployment rates of 39 and 30 percent, respectively. For adults, the pattern is similar; minority adult women and men had unemployment rates of 9 and 7 percent, respectively, in contrast to white adult women and men whose unemployment rates were 5 and 4 percent, respectively.

TABLE 4

UNEMPLOYMENT RATES, 1972

Race, Sex, Age Group	*Unemployment Rate*
Minority teenage women	38.6%
Minority teenage men	29.8
White teenage women	14.2
White teenage men	14.2
Minority adult women	8.8
Minority adult men	6.8
White adult women	4.9
White adult men	3.6

Source: U.S. Women's Bureau, Dep't of Labor, *Twenty Facts on Women Workers* (Feb. 1973).

Characteristics of Women Workers Over the Lifespan

According to the Women's Bureau of the Department of Labor, 90 percent of all women in the United States will work during some portion of their lives. If current patterns persist, most women who work will continue to work full time. Of the 33 million women in the labor force today, 42 percent work full time throughout the year; 25 percent work part time throughout the year, and 33 percent work part time during part of the year. Seventy percent of all women workers worked full time during some part of 1972.

Women of all ages work, and 51 percent of all women aged 18 to 64 were in the labor force in 1972. Of the women in the labor force, 50 percent are 38 years of age or older; over 34 percent of all women workers are over 45 years of age.

Of all women workers, almost 58 percent are married and living with their husbands; 23 percent are single, and 10 percent are widowed, divorced, or separated from their husbands. Married women are more likely, in fact, to work than widows (many of whom are elderly). But married women are less likely to be in the labor force than are divorced, separated, or single women.

Of married women living with their husbands, 39 percent are in the labor force. Of the black married women in this category, 51 percent are in the labor force; of the Spanish speaking

women, 35 percent; and of the white women, 38 percent. Even larger percentages of single, divorced, and separated women are workers. Of all single women, 55 percent are in the labor force, and 62 percent of divorced or separated women work. A lower percentage (27 percent) of widowed women work, largely because many are beyond retirement age and are, therefore, subsisting on social security, Old Age Assistance, and/or retirement pensions rather than wages.

CHICAGO

Population

According to the 1970 census,[30] the total population of Cook County, which is located in the Chicago Standard Metropolitan Statistical Area (SMSA), is 6,978,947. The total female population is 3,595,755, and the total male population is 3,383,172. Women comprise 52 percent of the total population of Cook County.

Within each racial and ethnic group, the figures are similar. Black women represent 53 percent of the black population, and Spanish speaking women represent 49 percent of the Spanish speaking population.[31]

Age Distribution: 65 and Over.—In both the total population of Cook County, as well as within each racial or ethnic group, women represent more than half of all persons over 65. Women are 59 percent of all persons age 65 and over. Black women represent 56 percent of all black persons over 65; white women represent 60 percent of all white persons over 65. Spanish speaking women represent slightly less than half (49 percent) of all Spanish speaking persons over 65.

Marital Status.—Of all women in Cook County over 16 years of age, 1,591,381 are married. Separated women represent 65 percent (77,975) of all separated persons, and divorced women represent 62 percent (113,969) of all divorced persons. Single women constitute 47 percent (636,594) of all single persons in Cook County. Widowed women far outnumber widowed men, representing 81 percent of the total widowed population of the county; there are 328,988 widows compared to 77,474 widowers. The total number of women in Cook County who are living without husbands is 1,156,526, representing 42 percent of the female population.

Household and Family Composition.—Families with women as their sole heads represent 12 percent of all families, or a total of 208,375 families. Within these female-headed families, there are 286,444 children under the age of 18. In contrast, 1,461,890 families are husband-wife families, containing a total of 1,965,202 children under 18.

Black households with women as their sole heads represent 22 percent of all black households, or a total of 76,672, out of 348,003 black households. Female primary individuals are slightly more numerous than male; female primary individuals number 39,676, in contrast to 37,030 male primary individuals. The largest number of black households in the Chicago SMSA are husband-wife families (181,425).

Similarly, the largest number of Spanish speaking households are husband-wife households, a total of 59,721. Of the 79,759 Spanish speaking households, only 7,302 have women as their sole heads, constituting 9 percent of all Spanish speaking households. Spanish speaking male primary individuals outnumber female primary individuals by a large margin: 6,947 are males; 2,564, females.[32]

Employment

Labor Force Participation of Women.—Of the total female population of the Chicago SMSA age 16 and over (2,532,813), 45 percent are in the labor force, compared to 81 percent of the male population age 16 and over.[33] Although the participation rates for women in the labor force are lower than for men, women's unemployment rate is higher. While the unemployment rate for men is 3 percent, the rate for women is over 4 percent.

Of women who are married and living with their husbands, 40 percent are in the labor force, a total of 597,154 women. Of married women with children under 6 years of age, 104,598 are in the labor force, or 25 percent. These women

[30] All data contained in this section were compiled from U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43, unless otherwise indicated. See, tables 33–36, app. I, *infra*.

[31] Data are not broken out by other racial and ethnic groups (Chinese, Japanese, Native American, and Filipino). Within the Spanish speaking category, data are not broken out for Puerto Rican, Mexican American, Cuban, and other Spanish origin persons. Separate data for white women are not available.

[32] Data are not available for white families.

[33] See table 38, app. I, *infra*.

represent 18 percent of all married women in the labor force who are living with their husbands and who have children.

Of the total black female population of Cook County age 16 and over (411,470), 43 percent are in the labor force, compared to 73 percent of black men age 16 and over. The unemployment rates for both black men and black women are higher than those for white women and men, but the disparity between the rates for black women and men parallels that between white women and men. Thus, although the participation rates for black women in the labor force are lower than for black men, black women's unemployment rate is 7 percent, compared to 6 percent for black men.

The figures for Spanish speaking women are similar. Of the total Spanish speaking female population age 16 and over (92,856), 45 percent are in the labor force, compared to 85 percent of Spanish speaking men. The unemployment rates for both Spanish speaking women and men are higher than those for white women and men and similar to those for black women and men. However, as with both the total population and the black population, a disparity exists between the unemployment rates for Spanish speaking women and men. Although the participation rate for Spanish speaking women in the labor force is lower than for men, Spanish speaking women's unemployment rate is higher. While the unemployment rate for Spanish speaking men is 5 percent, the rate for Spanish speaking women is 7 percent—the same as for black women.

Of black women who are married and living with their husbands, 88,980 are in the labor force, representing 46 percent of black women aged 16 and over who are in the labor force. Of the black women in the labor force who are married and living with their husbands, 26,070 have children under 6.

Of Spanish speaking women who are married and living with their husbands, 24,464 are in the labor force, comprising 59 percent of all Spanish speaking women in the labor force age 16 and over. Of the 41,342 Spanish speaking women in the labor force, 9,188 have children under 6.

Occupational Distribution.—Women age 16 and over in the Chicago SMSA were 38 percent of all professional-technical workers in 1970; however, women were over 70 percent of elementary and secondary school teachers.[34] More than half (57 percent) of all black working persons employed as professional-technical workers were women, and 34 percent of all Spanish speaking professional-technical workers were women. Data are not readily available to indicate in which professional-technical occupations black and Spanish speaking employed women are concentrated.

The overwhelming majority of clerical workers in Cook County in 1970 were women; 74 percent of all clerical employees were women. Among black persons employed as clericals, 70 percent were women, and 64 percent of Spanish speaking clerical workers were women. In contrast, only 14 percent of all persons employed as managers and administrators were women; 28 percent of black and 15 percent of Spanish speaking managers and administrators were women.

Additionally, 37 percent of all salesworkers were women; 45 percent of black and 41 percent of Spanish speaking salesworkers were women. Almost one-third of all operatives (32 percent), including operators of transport equipment, were women. Among black and Spanish speaking operatives, the figures are similar; nearly 32 percent of black operatives and 35 percent of Spanish speaking operatives were women in 1970.

Although a relatively small percentage of farmworkers were women (16 percent), black women were heavily represented among black farmworkers; 42 percent of all black farmworkers were women, in contrast to only 7 percent of all Spanish speaking farmworkers. This figure, however, may reflect the failure of the Census Bureau to count migrant farmworkers.

Finally, in one of the lowest-paying occupations, private household work, women accounted for 95 percent of all persons so employed. This figure holds true for both black and Spanish speaking women; 94 percent of all black household workers and 95 percent of all Spanish speaking household workers were women.[35]

Clearly, in the Chicago SMSA, women are over-

[34] See table 37, app. I, *infra*.

[35] Data on the percentage of black and Spanish speaking women in each occupational group are not available.

represented in occupations which offer the lowest pay, including clerical workers, operatives, service workers, and private household workers. In addition, women are underrepresented in higher-paying managerial and administrative positions. Even within the professional-technical category, women are concentrated in lower-paying professions, including, for example, elementary and secondary school teachers.

Income Distribution

Of all families with incomes below the poverty level, 48 percent (56,433) are headed solely by women.[36] Of these female-headed families, 43 percent (50,102) contain children under 18 years old, and 25 percent (29,933) contain children under 6 years old. Twenty-three percent of mothers of children under 6, whose incomes are below the poverty level, are in the labor force.[37]

---

[36] See tables 39-40, app I, *infra*.

[37] Data are not readily available from Census Bureau tracts for the Chicago SMSA which provide breakdowns of income by sex and race or ethnicity. Nor are data available for source of income based on sex and race. Where data are available regarding families with incomes below the poverty level, only the numbers of such families (with both male and female heads) are provided; income data are not provided. Additionally, the data are provided for families only and do not include unrelated individuals; nor are these data cross-tabulated by race and sex.

II. PUBLIC ASSISTANCE: AID TO FAMILIES WITH DEPENDENT CHILDREN

OVERVIEW

Aid to Families With Dependent Children (AFDC)[38] provides Federal funds to State-administered programs for the purpose of "encouraging care of dependent children in their own homes or in the homes of relatives by enabling each State to furnish financial assistance and rehabilitation and other services . . . to needy dependent children and the relatives with whom they are living to help maintain and strengthen family life and to help such parents or relatives to attain . . . capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. . . ."[39]

Each State submits a plan to the Secretary of Health, Education, and Welfare (HEW) for aid and services to needy families with children that must include provisions for the plan to be in effect in all political subdivisions of the State, for the State to bear a portion of the financial burden, for a single State agency to administer or supervise the administration of the plan, and for fair hearings for individuals who believe that they have been wrongfully denied AFDC or are otherwise aggrieved.[40] Individual States are not required to provide a federally-supported AFDC program, but once they do they are bound by the applicable Federal laws and regulations.[41]

Each State with an AFDC program must have a Work Incentive program (WIN).[42] Registration for WIN (with certain exceptions) is a prerequisite for receiving AFDC benefits. WIN's function is to furnish incentives, opportunities, and necessary services in order that individuals receiving AFDC benefits may be placed in employment and become self-supporting.[43] The State agency responsible for the AFDC program must organize a separate administrative unit to administer WIN social and supportive services (e.g., health care, family planning, vocational rehabilitation, counseling, and child care) which enable an individual to accept employment or receive manpower training.[44]

AFDC as a State Program

Although AFDC is basically federally-supported public welfare with each State providing limited contributions, States retain considerable authority for the design and operation of their programs, which results in wide variation in policy and administration from State to State. Each State establishes its own definition of eligibility, defines the standard of need for survival within its jurisdiction, determines what percentage of this standard will be provided in benefits, and the number and kind of services it will provide.

The decentralized design of the program and the wide variation in policy and administration result from the following structure of legislation and regulations: (1) basic Federal AFDC/WIN legislation; (2) Federal regulations promulgated by the Department of Health, Education, and Welfare and the Department of Labor interpreting the Federal legislation; (3) State enabling legislation providing for a statewide AFDC program; (4) State plan interpreting the State and Federal laws and regulations; (5) State regulations interpreting the State plan and the Federal and State laws and regulations; (6) staff manuals interpreting all of the above.

The laissez-faire attitude of the Federal Government, permitting States to retain considerable

[38] 42 U.S.C. § 601 *et seq.*
[39] 42 U.S.C. § 601.
[40] 42 U.S.C. § 602.
[41] See app. II, Aid to Families with Dependent Children: Recipients of money payments and amount of payments, by State, December 1973, *infra*.
[42] 42 U.S.C. § 630.
[43] 42 U.S.C. § 630.
[44] 42 U.S.C. § 602.

authority, has created serious problems for AFDC recipients. The wide variations among States make it difficult to monitor the programs and policies to assure compliance with Federal requirements,[45] and the recipient population tends to be in such a precarious financial situation and so uninformed of their rights and of available benefits that they tend to expect little, often do not perceive injustice or feel aggrieved, and rarely challenge administrative decisions.

Standard of Need Determination

The massive AFDC welfare bureaucracy begins directly affecting the poor with each State's determination of the standard of need for residents of that State, supposedly reflecting cost-of-living increases but not necessarily comparable to Bureau of Labor Statistics standards. The State is not required to pay this full amount to a needy family but rather may designate a percentage of this figure which it will provide to all recipient families otherwise qualifying for AFDC. The State may further set a limit on the total grant it will provide any single family, regardless of need. It is to the State's short-run fiscal interest to estimate a low standard of need as a method of limiting the number of persons for whom AFDC benefits must be made available, and to limit the percentage of this need that it will provide —often resulting in a State-imposed lower-than-basic-need standard of living.

Types of Grants

There are two basic types of AFDC grants—consolidated and flat grants. Some States have provided consolidated grants that generally break down need by ascertaining the need of each individual within guidelines and permitting special grants where special needs exist (e.g., for necessary appliances, infant furniture, wheelchairs). Recipients were often unaware of these special grants. When welfare rights organizations informed the welfare population about the availability of these special grants, they became too expensive, from the State's perspective, and the entire grant system became more restrictive. The current trend is toward flat grants which provide a specific sum for a given number of persons covered, regardless of individual or special need and often with upper limits for a family, regardless of size.

Fraud Checks

Most welfare departments have fraud units which investigate complaints and do spot checks. These checks consist of activities such as questioning neighbors and relatives, checking with schools and employers, and home searches—which are still legal.[46] Since 1962 annual national surveys of the rates of ineligibility in State public assistance programs have been conducted for the Senate Appropriations Committee, confirming that overall average eligibility errors were approximately 2 percent. There are no data showing a widespread occurrence of ineligible families collecting welfare or that those very few cases where ineligibility was found amounted to anything more than a mistake on the part of the agency.[47] Despite this, welfare departments continue to make large expenditures to investigate very limited potential fraud.

Effect on the Family

"Dependent children" are needy children who are deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent, or, in some States, unemployment or underemployment of the father. AFDC assistance is supposed to be provided to these children and the relatives they live with to strengthen family life. To qualify, a child must be under the age of 18, unless a full-time student or in vocational or technical training, in which case the child is covered until age 21.

These basic Federal qualifications are further limited by State eligibility requirements (including the standard of need established by the State) which have been notoriously restrictive. In many States it is difficult to get welfare aid if the father remains in the home, despite the fact that he may be unable to obtain work. If he leaves for any reason, even if only to make it possible for his family to receive support he cannot provide, there may be strong pressure on the mother to institute paternity and support proceedings and a separation or divorce action. Forcing mothers

[45] *See* action on Federal compliance, infra.

[46] Wyman v. James, 400 U.S. 309 (1971).

[47] *See*, e.g., Lowenthal, *Work and Welfare: An Overview* (Social Welfare Regional Research Institute, Aug. 1971).

to institute such charges could deprive children of needed benefits if the mother refuses and could make permanent what otherwise might have been only a temporary separation of parents.

State welfare departments are required by AFDC legislation to have a system for reporting abuses of children and providing for their removal from the family and placement in foster homes.[48] The State may pay the foster family more to care for the child than it paid the natural family for the child's support. This is ironic in situations in which the additional sum might have relieved much of the tension—at least partially created or aggravated by poverty—in the child's home. The need for public assistance subjects poor families to closer scrutiny than other families, and much caseworker discretion is permitted. The existing problems may be aggravated by the appearance of the caseworker, often of a different race, class, or ethnic background, who may threaten to remove the children. It is a great source of anger to AFDC mothers that States are permitted to provide greater aid for foster care when the stated purpose of AFDC is to strengthen family life.[49]

Application Procedure

The actual application procedure for AFDC benefits often is humiliating and frustrating. Staff tend to be less than adequate or helpful,[50] limited by time constraints and training. The application asks for personal information (e.g., extramarital relations) well beyond that required for a determination of the level of need. The applicant must often wait several hours before being seen by a staff member and then may find that further information and documentation are required (e.g., rent receipts), necessitating the applicant's return to go through the entire program again. The problems are further aggravated when the applicant speaks limited English, or is functionally illiterate, or has a need for emergency assistance and is unaware that this is available.

Once the application is submitted, the welfare department is required by HEW to process it within a designated, limited period of time. If the welfare department fails to do so (a common complaint, particularly in urban areas), the applicant and the applicant's family may be forced to survive without needed aid, as it is not possible to sue for retroactive benefits. Even if it were possible to force the State to pay retroactively, most recipients are in a desperate situation when they apply and need the benefits at that time for survival.

Staff

At least part of the problem begins in the top levels of the massive welfare administration and filters down to the staff who deals directly with applicants and recipients. Because there are so many sets of regulations interpreting other laws and regulations, the staff manuals may be incorrect and misleading. Caseworkers are under tremendous pressure and time constraints. They tend to be young college graduates with only modest professional training and limited field experience. They view their jobs as temporary and, consequently, turnover rates are high. As a result, except under unusual circumstances, caseworkers do a minimum amount of work and do not inform recipients of their rights or of available benefits and services for which they may be eligible. They have a great deal of latitude in making crucial decisions affecting the lives of others. Because of the size of the bureaucracy, their decisions remain virtually unchallenged unless a recipient is sufficiently aware of his or her rights to exercise them—a very unusual situation.[51]

WIN Requirements

With certain exceptions, applicants for AFDC benefits must register for the Work Incentive program (WIN).[52] Exceptions include children under 16 or attending school fulltime, elderly, incapacitated, or ill recipients, those living long distances from WIN projects, mothers or a relative taking care of a child under six, and women taking care of a child in a home where there is an adult male relative who is required to be registered in

[48] 42 U.S.C. § 608.

[49] Staff interview with Clifford Fulmer, welfare rights organizer in Albany, N.Y., and Washington, D.C.; and Briddette Gregson, welfare rights organizer in Washington, D.C., May 31, 1974.

[50] See, e.g., Handler & Hollingsworth, *Reforming Welfare: The Constraints of the Bureaucracy and the Clients*, 118 U. Pa. L. Rev. 1167 (1970) (hereinafter cited as *Handler and Hollingsworth*).

[51] See, e.g., *Handler and Hollingsworth*.

[52] 42 U.S.C. § 630 *et seq.*

WIN and is registered and participating. Persons who are required to register for WIN and refuse without good cause may have their individual portion of the AFDC grant deducted from the total family grant. Those who are not required to register may volunteer to participate.

Those persons who do register for WIN are accepted into programs in accordance with the following priorities: (1) unemployed fathers; (2) volunteer mothers; (3) other mothers and pregnant women under age 19; (4) dependent children and relatives over age 16 who are not already in manpower training; (5) all others.[53]

The local welfare department determines whether or not a recipient is "appropriate" and refers those who are to the local bureau of employment office which reassesses "appropriateness." An employability plan reflecting job readiness and a social service plan reflecting the social services (e.g. child care) needed by the registrant to participate in WIN are supposed to be prepared. Once those social services are provided, the registrant is "certified" ready for placement. WIN placement priorities are: (1) employment in the regular economy; (2) on-the-job training; (3) public service employment; (4) classroom training leading to employment.

Basis of WIN Legislation

Congress based WIN legislation on certain assumptions—that AFDC recipients were not working due to indolence and lack of training, that many recipients were immediately employable or immediately trainable for employment, that WIN training programs would raise vocational skills to employable levels, that the economy is sufficiently flexible to absorb these individuals as employees, and that such employment would permit these individuals to leave relief rolls.[54] WIN reflects the belief among both legislators and the general population that poverty is the manifestation of personal failure, rather than a problem produced and maintained by a societal structure and economy, a problem remediable only through societal and economic reconstruction. These basic assumptions run contrary to social science and economic studies and theory but explain why AFDC recipients are treated as the "undeserving poor" and left to the mercy of the States, unlike other types of welfare recipients, the "honorable poor" (e.g., the blind and disabled), who are covered by far stronger and more protective Federal legislation and regulations.

Failure of WIN

This concept of an "undeserving poor" has resulted in a forced work program which, in practice, does not lead to self-support (jobs often pay less than minimum wage),[55] limits freedom of choice on employment goals, and provides demeaning, dead-end work. Caseworkers are not manpower experts and yet they make the initial "appraisal"; the local bureau of employment offices are insufficiently staffed to prepare adequate employability and social service plans (sometimes skipping this step altogether); and the training provided to registrants is haphazard and inadequate. The emphasis of the law is on immediate job placement rather than classroom training, severely limiting potential careers and opportunity for gaining salable skills for clientele severely lacking in such skills.

Effect of WIN on Women

Because the vast majority of the AFDC families are female headed, women are particularly burdened by the failure of WIN. Women are denied the choice of working or remaining home to care for their children; if day care is available, a mother must accept it whether it provides for her children's needs or not; and the law specifically gives priority placement to unemployed fathers,[56] thereby limiting access of women to the best programs. Even when women are placed, they end up with the lowest-paid and most demeaning work with little chance of significant future salary increments.[57]

---

[53] 42 U.S.C. § 633.

[54] *See, e.g., The Failure of the Work Incentive (WIN) Program,* 119 *U. Pa. L. Rev.* 485 (Jan 1971).

[55] 29 C.F.R. § 56.26 (1973). Under Department of Labor regulations, jobs provided through a WIN program may pay as little as 75 percent of the Federal minimum wage.

[56] 42 U.S.C. § 633.

[57] *See, e.g., The Failure of the Work Incentive (WIN) Program, supra* note 54; U.S. Dep'ts of Labor and HEW, *The Work Incentive Program,* Fourth Annual Report to Cong. on Training and Employment Under Title IV of the Social Security Act (Oct 1973); Walker, *Sex Discrimination in Government Programs,* 23 *Hastings L. J.* 277 (Nov. 1971); Griffiths, *Sex Discrimination in Income Security Programs,* 49 *Notre Dame Lawyer* 534 (Feb. 1974).

SELECTED WELFARE PROBLEM AREAS

Non-English-Speaking Applicants

Non-English-speaking persons in poverty often encounter special problems in obtaining welfare benefits owing to language and, in some cases, cultural barriers. Such persons may not understand that they are entitled to benefits or, once aware that benefits are available, may find the forms, applications, and notices incomprehensible without adequate assistance from bilingual staff. Unfortunately, such assistance frequently is not available.[58] Furthermore, the majority of households receiving AFDC benefits are female headed, and women may be uncomfortable discussing their applications with men where male staff are the only translation assistance available.

In order to reduce or terminate benefits, welfare departments are required to give adequate notice of the proposed action and permit a hearing prior to taking the action.[59] The normal procedure is to send this notice out in English. A recent decision of the California Supreme Court (only binding on California but which may be followed elsewhere) held that English notice to non-English-speaking persons satisfies the adequate notice requirement.[60] The problems for recipients in understanding the notice and resulting action of the welfare department and in exercising their right to a hearing are obvious.[61]

There may be other problems where the applicant for AFDC benefits is an alien, particularly in knowing whether he or she is eligible for benefits. States may not deny benefits to an alien on the basis of that status or the fact that she or he has not resided in the United States for a specified period of time.[62] It is possible, therefore, for persons such as migrant laborers with the status of legal alien to receive AFDC benefits if they otherwise qualify.[63]

Equal Services Regardless of National Origin

Under Title VI of the Civil Rights Act of 1964,[64] federally-funded programs are prohibited from discriminating on the basis of race, color, or national origin, or risk losing their Federal funds. The failure of welfare departments to provide equal services and benefits, including bilingual staff and forms, applications, and notices in the native language, to non-English-speaking persons and aliens may constitute a form of discrimination based on national origin. In a recent Supreme Court decision, Title VI was used to force a California school district to adopt a program which would be responsive to the needs of non-English-speaking school children in their quest for equal educational opportunity.[65] As yet, this principle has not been applied to coerce welfare departments to provide equal services to all applicants or recipients of benefits, regardless of national origin.

Right to a Hearing

Before benefits may be reduced, suspended, or terminated to any individual, the welfare department must provide written notice of the proposed action and allow for a hearing at a time, date, and place convenient to the recipient, prior to taking any action. The recipient may have someone represent him or her and must be permitted to examine documents used at the hearing, bring witnesses, present her or his case with testimony and evidence, and have the opportunity to confront or cross-examine adverse witnesses before an impartial decisionmaker. In addition, an applicant for assistance must be permitted a fair hearing on request, if the application is not acted upon in a reasonable amount of time.[66] Termination of benefits cases provide recipients with the greatest procedural protection, as an improper termination would deprive the

[58] Letter from Peter E. Holmes, Director, Office for Civil Rights, HEW, to David B. Swoap, Director, Department of Social Welfare, State of California, re 1971 investigation of complaints made to Secretary of HEW Richardson alleging that California Department of Social Welfare was failing to provide equal services to Spanish speaking clients.
[59] Goldberg v. Kelly, 397 U.S. 254 (1970).
[60] Guerrero v. Carleson, 9 Cal. 3d 808, 512 P. 2d 833 (1973).
[61] *See, e.g., El Derecho de Aviso: Due Process and Bilingual Notice*, 83 *Yale L.J.* 385 (1973).
[62] Graham v. Richardson, 403 U.S. 365 (1971).
[63] As illegal aliens are excludable from benefits, States can require proof of citizenship or legal alien status. See, e.g., State of Ill., Dep't of Public Aid Official Bulletin No. 74 at 25 (April 29, 1974) applying 45 C.F.R. 233.50 (1973).
[64] 42 U.S.C. 2000d.
[65] Lau v. Nichols, 94 S. Ct. 786 (1974).
[66] 45 C.F.R. 205.10 (1973).

family of its means of subsistence and impair its ability to seek redress.[67] The hearing rights for other types of cases depend on how "seriously" the applicant or recipient will be affected by any adverse action.

The problems for aggrieved applicants and recipients arise in several ways. They are unlikely to understand their benefit and hearing rights, or how to exercise them if aware that they exist, and for this reason are easily misled by staff who may be misinformed or apathetic. Additionally, administrative hearing rights are a fairly complex legal area, and recipients may not have access to adequate assistance to understand, formulate, and present their position or may not know how to seek such assistance if it is available. Even where applicants or recipients are aware of their rights, they may be too busy with survival to endure the time and effort involved in a hearing. For these same reasons, hearing examiners may make arbitrary decisions which remain unchecked, as few persons ever appeal beyond this level.[68]

Residency Requirements

It is no longer legally permissible for a State to condition receipt of AFDC benefits on durational residency requirements because this would prevent needy families from receiving aid and would restrict their right to interstate travel.[69] A person who is a resident of any State—living there voluntarily with the intention of making it her or his home and not for a temporary purpose—may move to any State for any reason which is not a temporary purpose and may not be denied aid if she or he otherwise qualifies. Residency is retained until abandoned and temporary absences are not sufficient to constitute such abandonment.

Considering the average applicant's probable lack of knowledge of what conditions constitute residency, an incorrect determination on the part of welfare staff that an applicant was not a resident could be disastrous for the family. In addition, durational residency requirements have existed in the past, and persons who have recently moved to another State and are eligible for aid might not apply, believing that the requirement still exists.

The Deserting Parent

AFDC legislation requires States to develop a program designed to secure support from an abandoning or putative parent.[70] If the remaining parent or caretaker of a child fails to assist in securing such support, his or her portion of the AFDC grant may be terminated, though the child's portion may not.[71] The result is often a dilemma for the mother who needs the aid for survival, particularly when she feels that assisting the welfare department in this manner will harm the father who left to make his family eligible for the support he was unable to provide or where such assistance may permanently damage the relationship with the father.

"Man-in-the-House" Rule

A child who is otherwise eligible for AFDC benefits may no longer be found ineligible because there is a man in the house, unless that man has a legal obligation to support the child.[72] However, if a man is present in the home who is legally obligated to support the child but does not, the child may be declared ineligible for welfare.[73] One obvious problem is that children may be punished where the male adult does not work. However, if the male were unable to locate suitable work, States without public assistance programs for families with unemployed fathers could terminate AFDC benefits if the father remained in the home.

Home Visits by Caseworkers

Under normal circumstances, compelled entrance may only be gained to the home of a private citizen with a search warrant. This is not so where AFDC recipients are concerned. States may condition the receipt of welfare benefits on the recipient's permitting an AFDC caseworker to enter and visit in the home.[74] Typically, caseworkers are given broad discretion as to whether or when to conduct visits, as well as significant power to recommend denial, reduction, or ter-

[67] Goldberg v. Kelly, 397 U.S. 254 (1970).
[68] *See, e.g.*, Rothstein, *Business as Usual?: The Judicial Expansion of Welfare Rights*, 50 *J. Urban L.* 1 (Aug. 1972).
[69] Shapiro v. Thompson, 394 U.S. 618 (1969).
[70] 42 U.S.C. § 602.
[71] 45 C.F.R. § 233.90 (1973).
[72] King v. Smith, 392 U.S. 309 (1968).
[73] Trull v. District of Columbia Department of Welfare (D.C. Ct. App. 1970) 268 A.2d 859.
[74] Wyman v. James, 400 U.S. 309 (1971).

mination of welfare benefits following a visit. Although advance notice is required and the visit must be held during "reasonable" hours, it is still a forced intrusion that other citizens are not subjected to, to obtain information which could often be obtained through less obtrusive means.[75]

Enforcement of Federal Requirements for AFDC Programs

The Department of Health, Education, and Welfare, as the grantor agency, is responsible for enforcing the Federal requirements for AFDC programs. While Federal regulations are often criticized for infringing upon the prerogatives of the grantee's authority or for being too complex and detailed, a review of AFDC regulations suggests a move towards specific objectives and measurable standards by HEW, as a response to the failure of State and local welfare departments to administer AFDC programs in compliance with basic Federal policies.[76]

Those connected with the AFDC program acknowledge widespread compliance problems, owing largely to the inadequacy of current procedures to ensure compliance.[77] HEW initially approves each State plan for AFDC, prior to the awarding of the Federal grant. After this, if there are indications that a plan is not in compliance, and regional and central offices conclude that further negotiations are fruitless, it is their responsibility to recommend to the administrator of the Social and Rehabilitation Services (SRS) in the national HEW office that a compliance hearing be set. There is no time limit on setting the hearing, with the result that often no hearing is scheduled, and States are rarely, if ever, held in noncompliance. Part of the problem is that personnel in SRS believe that their function is not to monitor compliance but rather to insure funding.[78]

Until June 1972 compliance reports were issued monthly so that beneficiaries of AFDC programs and their representatives could monitor HEW response to regional office compliance reports of problems. HEW has ceased issuing these reports, although the Department maintains that they are still collected for internal use. As a result, it is virtually impossible for outsiders to monitor HEW's efforts to keep programs in compliance with Federal regulations.[79]

> [T]here is a tendency for federal grantor agencies to stress program development rather than enforcement, to develop a close working liaison with grantees which is likely to be upset by any high visibility conflict, and to deal more effectively with issues of compliance which respond to negotiation than with issues which require large expenditures of effort and political capital. This is an understandable stance, but one which should be counterbalanced by inputs from the persons affected by any noncompliance with federal standards.[80]

STATUS OF WELFARE REFORM LEGISLATION

History of Congressional Action

In 1935 Congress developed a national program to meet the needs of the poverty population of this country. The Social Security Act[81] provided Federal dollars to assist States in programs to aid the poor. This legislation has often been amended, and welfare reform is a common subject of debate at the local, State, and Federal levels. Most programs under the Social Security Act are designed to provide either cash (public assistance) or in-kind benefits, such as medical assistance or child care.

The act recognized four basic categories of assistance to meet the needs of families and individuals: (1) Aid to the Blind (AB); (2) Aid to the Disabled (AD); (3) Old Age Assistance (OAA); (4) Aid to Families with Dependent Children (AFDC, formerly ADC—Aid to Dependent Children). More recently (in 1961) the category of Aid for Intact Families with a Temporarily Unemployed Father (AFDC-UF) was added.

The 1969–70 legislative session received the administration's income maintenance program, entitled Family Assistance Plan (FAP), which

[75] *See, e.g., Welfare Home Visits and a Strict Construction of the Fourth Amendment*, 66 *Nw. U.L. Rev.* 714 (Nov.–Dec. 1971).
[76] *See, e.g.*, Tomlinson and Mashaw, *The Enforcement of Federal Standards in Grant-in-Aid Programs: Suggestions for Beneficiary Involvement*, 58 *Va. L. Rev.* 600 (1972) (hereinafter cited as *Tomlinson and Mashaw*).
[77] *Id.* at 622.
[78] Telephone interview with staff, Office of Community Services, SRS, May 29, 1974.
[79] Telephone interview with Michael Trister, staff attorney, Children's Defense Fund, May 28, 1974.
[80] *Tomlinson and Mashaw* at 629.
[81] 42 U.S.C. § 601 *et seq.*

would have created major changes in the public assistance area by providing for an income base or floor for individuals below a specified income level by means of a reverse income tax. By the end of 1970, it was clear that Congress would allow the program to die.

While Congress refused to act on an income maintenance plan, it did create the Supplementary Security Income program (SSI) by passing H.R. 1 in April 1972. H.R. 1 revamped the public assistance program, placing the categories of Old Age Assistance, Aid to the Blind and Aid for the Disabled (but not Aid to Famiiles with Dependent Children) under the new Supplemental Security Income program. It provided a basic income floor under each recipient (approximately $140 per month for a qualified individual with no income), and States were given the option of supplementing the Federal grant in order to continue recipients in these categories at the same level of payments which were received prior to SSI.

The establishment of the SSI program, administered by the Social Security Administration rather than the traditional welfare administrative offices of the Department of Health, Education, and Welfare, represented a major change in the traditional methods of providing public assistance. AFDC's exclusion from the program can be attributed to the public hostility and resentment shown toward AFDC recipients whenever welfare reform has been debated. In this context, it is not surprising that 1973–74 saw no effort on behalf of either Congress or the administration to reintroduce income maintenance or FAP legislation.[82]

Current Proposals

Certain welfare provisions added to H.R. 1 in the Senate were refused by the House conferees on the grounds that insufficient time had been given to consider their implications. House Ways and Means Chairman Wilbur Mills then promised to send a bill to the Senate early in the new session which would amend the Social Security Act so that these omitted provisions could be reconsidered. H.R. 3153 is the fulfillment of that commitment. It makes the technical corrections and additions to the law passed earlier. The House passed H.R. 3153 in April 1973.[83] The Senate passed the bill on November 30, 1973, with many amendments, including six provisions which are particularly distressing:[84]

1. **Reinstatement of Community Work and Training Programs**—Section 163 of the bill reinstates the community work and training program which was previously enacted as part of the Social Security Act of 1962, thereby authorizing States to establish work relief projects under which AFDC recipients are required to work for public agencies for no pay, in order to work off their family assistance grants. Congress rejected this section in 1967 and enacted the Work Incentive program (WIN) instead.

2. **Child Support**—Section 161 creates more stringent requirements for obtaining support from absent fathers. HEW will supervise these efforts in determining paternity and securing support. This section provides for the Secretary of HEW to establish a separate child support unit within HEW to monitor State efforts in collecting support, establish a parent locator service and regional blood-typing laboratories to aid such State efforts, and impose fiscal penalties upon States which are not diligent in their efforts to collect support. Caretaker relatives of dependent children must assign their full support rights to the welfare department and cooperate, under penalty of denial of aid to the caretaker, with law enforcement officials determining paternity and securing support. This condition of eligibility, which is permitted under current law, takes away from the relative any free choice in deciding whether to seek support from the absent parent, even though there may be good reason for not doing so.

3. **Work Expense Deductions and Income Disregard**—Section 162 of the bill amends Sections 402(a)7 and 402(a)8, to eliminate all work-related

[82] Another piece of legislation, H.R. 11333, was enacted on the last day of the 1973 legislative session and signed into law by the President on January 3, 1974, in order to counteract the inflationary pressures on social security benefits. It raised social security benefits by 11 percent in two steps (7 percent in March 1974 and 4 percent in June 1973), and increased SSI benefits to $140 in January 1974 and $146 in July 1974, for a couple. In addition, H.R. 11333 delayed the effective date of new social service regulations, including those already promulgated in November 1973, until January 1, 1975. The National Assembly, *Washington Notes* #10, Jan. 4, 1974.

[83] As fiscal matters, amendments to the Social Security Act must originate in the House of Representatives.

[84] A conference committee was never appointed on H.R. 3153.

expenses except day care, allowing up to $60 disregard of the remainder of earnings, plus one-third of the remainder up to $300 and one-fifth above that amount.

4. **Social Security Benefits**—AFDC recipients who also receive social security benefits could retain 5 percent without a reduction of assistance.

5. **Medical Eligibility for Families**—Under an amendment in Section 196, Medicaid cannot be used to pay for abortions.

The 1972 Social Security Amendments provide for 4 months' continuation of Medicaid coverage when a family becomes ineligible for AFDC because of increased income. Section 201 of H.R. 3153 extends this provision to families who become ineligible because of the father's full-time employment but would restrict the provisions to families who were *actually receiving* AFDC cash assistance before they become ineligible. This would result in penalizing families who were eligible for AFDC but failed to apply for the cash assistance.

6. **Foster Care Under AFDC**—A court order would no longer be required in order for an AFDC child to be taken from a parent and placed in foster care. Instead, State law could provide for other procedures.

Other important welfare-related measures in the bill include:

(a.) **Work Bonus**—Section 117 of the bill would allow families with children whose yearly income totals $5,600 or less to be eligible for partial rebate of their social security taxes. For earnings up to $4,000 a year, there would be a 10 percent bonus. After that, it would be reduced by one-quarter of the excess over $4,000. The bonus could be taken at the end of the year as a tax credit or applied for as a refund.

(b.) **Social Services**—Sections 131 to 140 of H.R. 3153 repeal regulations promulgated by HEW in October 1973 and allow the States to determine the type of social services which they will provide, as long as they provide, at a minimum, services for the aged, blind, and disabled, and establish criteria to determine former and potential recipients.

(c.) **Food Stamps**—Section 122 repeals a provision of the Food Stamp Act Amendments of 1973, which excluded SSI recipients from the food stamp program, if their SSI benefits were at least equal to the food stamp bonus plus the amount of assistance which would otherwise have been payable under State OAA, AB, ATTD, and AABT plans in effect in December 1973. Section 172 would prevent States from including the bonus value of food stamps in their adjusted payment level so that it would be counted in determining the Federal hold-harmless guarantee.[85]

This means that eligibility of aged, blind, or disabled individuals for food stamps or commodities is determined solely by the amount of their available income, including SSI and State supplementary payments, and not food stamps value. However, for a period of up to 18 months, until July 1975, the States that raised their supplementation level under the current provision (Food Stamps Act of 1973) would have such amounts covered by the hold-harmless guarantee, and in those States, SSI recipients will be ineligible for food stamps for this period.

Future Prospects

In his state of the Union message in January 1974, President Nixon stated that he would submit a "welfare package for discussion purposes," but he did not do so.

Congresswoman Martha Griffiths, Chairwoman of the Fiscal Policy Subcommittee of the Joint Economic Committee has held a number of hearings on the tax treatment of women. It is expected that model legislation in the area of welfare reform will result from these hearings; but, as yet, legislation is still in the discussion stage.

[85] When a Federal statute provides for a new funding formula allocation and a State or local government would receive less under the new formula than it did under the prior formula, the State or local government may be "held harmless"; that is it will not lose the full measure of allocated funds.

III. WOMEN AND WORK
The Impact on Poor Women of Federal Manpower Programs

The work of women has always been crucial for the well-being of the total American society. Whether she has labored in the home, caring for children and the multitude of daily necessities of family life, whether she has worked for pay in some segment of the country's economic structure, or whether she has carried a double load, the American woman has been a working woman for three centuries.

This section outlines briefly the history of the changes in "women's work" in the United States and its close relationship to the development of labor reform. It explores Federal attention to the problem of poverty in America and the effects on poor women of federally-developed remedial programs. Special attention is given to the largest Federal manpower program aimed most directly at poor women—the Work Incentive program (WIN).

HISTORICAL PERSPECTIVES

In early colonial settlements women struggled equally with men for survival in a hostile wilderness. Female colonists and pioneers performed agricultural work as well as their traditional duties of bearing children and caring for them, preparing and preserving foodstuffs, and caring for the health of their families. In the plantation South, some black female slaves were "house slaves," functioning as cooks, child custodians, and housekeepers. However, most female slaves worked at hard labor alongside the men in the fields. Among black "freedmen," with few exceptions, males dominated the heavier agricultural work, and women worked in their own homes as well as in the homes of white families as domestics.

As the country's economy developed, woman's work at home became more production-oriented, as she produced cloth in her home for sale in the marketplace. With the invention of the spinning jenny, the expert skill as textile manufacturers that women had developed in their own cottage industries became the foundation of the U.S. industrial revolution. Women became preferred workers in the New England textile factories, and widows and their children were particularly sought after as mill loom operators.[86]

Early State labor laws reflected the female and child composition of this industrial work force. By 1853 seven States had approved laws limiting the working hours of children. But it was nearly 1880 before the first enforceable "hours laws" for women were enacted. Although wretched working conditions for women and children prevailed everywhere, it was not until a series of reports on the labor exploitation of women and children was published by the U.S. Senate in 1907 that States seriously began to develop hours laws.[87] The same Senate report revealed the shockingly low wages women and children earned for their work, and the public outcry finally resulted in the first minimum wage law in the United States, passed by Massachusetts in 1910. Today, as in the early 19th century, minimum wage legislation is still being enacted in response to the bad working conditions and low pay of "marginal" workers, the majority of whom are women.[88]

As the U.S. economy expanded, protective labor laws that were a response by States to exploitation of females and children eventually resulted in the establishment of a Federal Department of Labor and the enactment of the first labor legislation which was national in scope.[89]

[86] For the classic history text on women in the United States, see E. Flexner, *Century of Struggle* (1959).
[87] U.S. Dep't of Labor, *Growth of Labor Law in the United States* 11 (1967) (hereinafter cited as *Growth of Labor Law*).
[88] *Id.* at 70.
[89] *Growth of Labor Law* at 14. For a chronology of the development of labor law, see app. III, *infra*.

The goal has been to ensure income security for those who cannot work and to "create and maintain conditions under which there will be afforded useful employment opportunities for those able, willing, and seeking work, and to promote maximum employment, production and purchasing power." [90]

Despite the many programs created over the past 30 years to implement the Government's commitment to employment security, women continue to be concentrated in low-paid occupations that promise little in the way of upward mobility. Since the 18th century, when the industrial revolution began the transfer of home-centered production to factory production, other kinds of women's work have increasingly been transferred out of the home and into the larger society. As "service" occupations have increased in size and number (in hospitals, laundries, and restaurants) so has the female labor force. Today the service industry is the largest employer in the Nation. Service occupations are also the lowest paid, least likely to be unionized, and most heavily female.[91]

The official position of the Government on the skills required to perform service jobs (as represented in the Department of Labor's *Dictionary of Occupational Titles*) has consistently categorized service jobs as among those requiring the lowest skills. The current *Dictionary of Occupational Titles* rates the following occupations as requiring the same level of skills:[92]

Foster Mother—"rears children in home as member of family"

Nursery School Teacher—"organizes and leads activities of pre-kindergarten children, maintains discipline . . ."

Nurse, Practical—"cares for patients and children in private homes, hospitals"

Rest Room Attendant—"serves patrons of lavatories in stores . . ."

Delivery Boy (Newspaper Carrier)—" . . . or closer in complexity and skill to a mud-mixer-helper . . ."

Offal Man, Poultry—". . . shovels ice into chicken offal containers . . ."

Since the early 1960's, Federal legislation and programs have focused attention on "poverty amidst plenty" in the United States. Underlying Government actions was the assumption that a focus on work and employment was the best way to improve the lot of poor people.[93]

The Manpower Development and Training Act of 1962 (MDTA)[94] and its subsequent amendments simultaneously increased the Federal Government's fiscal obligation to programs designed to upgrade the skill levels of people adversely affected by shifts in the economy (including automation) and focused attention on special target groups in the work force (heads of household with less than $1,200 annual income, unemployed youth, and older workers).

While MDTA focused attention on disadvantaged workers, the Economic Opportunity Act of 1964 (EOA),[95] which launched the war on poverty, focused attention increasingly on development of manpower. Between 1965 and 1969, appropriations under the EOA increased the allocation for manpower programs from 39 to 47 percent of the total budget. Neighborhood Youth Corps, Job Corps, work experience and training programs, Operation Mainstream, New Careers, and other programs, often funded under a combination of authority from MDTA and EOA, have all aimed at giving participants a "leg up" toward economic self-sufficiency through training and job placement services.

THE TRAINING PROGRAMS

Although the MDTA and EOA were perhaps the most important and extensive pieces of 1960's legislation aimed at enhancing the economic self-sufficiency of poor people, the entire list of laws enacted is nearly as long as the programs developed for this purpose.[96] As can be seen in the summarized listing below, manpower programs often have overlapped in their target populations, as well as in services provided.

Neighborhood Youth Corps (NYC) Program—consisted of three components: in-school, summer, and out-of-sch[illegible]. Each was designed to offer work-training experience, coupled with

[90] Employment Act of 1946, 15 U.S.C. § 1021.
[91] U.S. Dep't of Labor, *Monthly Labor Review*, May 1974, at 10.
[92] *Dictionary of Occupational Titles Listings*, quoted in *Women in Apprenticeship, Why Not?* 15 (Manpower Research Monograph No. 33, 1974).
[93] See app. III *infra*.
[94] 42 U.S.C. § 2571 *et seq.*
[95] 42 U.S.C. § 2701 *et seq.*
[96] *Growth of Labor Law, supra* note 87, at 61–65, 69–73, 85, 221–246.

remedial education and supportive services to prepare beneficiaries for employment. The program was focused on disadvantaged youth 14–21 years of age.

Operation Mainstream Program — provided work experience for chronically unemployed persons, mainly in rural areas. Work included conservation, beautification, and recreation development. The program focused on the older poor.

Public Service Careers (PSC) Program—provided for the development of jobs in the public sector (in selected State, county, and local governments), in private, nonprofit service organizations, in agencies that receive Federal grants-in-aid, and in the Federal service. PSC policy was "hire first, train later" and guaranteed trainees permanent employment at the end of training. The program focused on placement of the poor in entry-level public service jobs.

Concentrated Employment Program (CEP)—focused on unemployment and underemployment in large cities and blighted rural areas. It was established to coordinate and more effectively utilize already existing (and often overlapping) manpower development resources.

Job Corps—focused on providing educational and vocational training and work experience to youth 14–21 from extremely deprived home backgrounds. Job Corps operated both residential

TABLE 5

CHARACTERISTICS OF ENROLLEES IN FEDERALLY-ASSISTED WORK AND TRAINING PROGRAMS, FISCAL YEAR 1973

(Percent of total enrollees)

Program	Women	Blacks[1]	Spanish Speaking	Age: Under 22 years	Age: 45 years and over	Years of School Completed: 8 years or less	Years of School Completed: 9 through 11 years	On Public Assistance[2]
Institutional training under the MDTA	33	30	10	36	8	8	29	13
JOBS (federally financed) and other OJT[3]	25	26	15	36	7	11	31	10
Neighborhood Youth Corps:								
In-school and summer	47	48	14	100	—	19	76	37
Out-of-school	54	44	18	98	2	25	75	39
Operation Mainstream	34	20	14	2	52	42	27	20
Public Service Careers[4]	65	35	16	25	14	8	25	31
Concentrated Employment Program	45	58	16	46	5	12	42	16
Job Corps	26	59	12	100	—	28	63	40
Work Incentive Program	70	45	10	18	8	19	39	100
Public Employment Program	28	26	14	30	9	3[5]	26[6]	14

[1] Substantially all the remaining enrollees were white, except for 3 to 12 percent in each program who were American Indians, Eskimos, or Orientals.
[2] The definition of "public assistance" used for these figures varies somewhat among programs (e.g., it may or may not include recipients of food stamps and "in kind" benefits). In the NYC program, it may relate to enrollees' families as well as enrollees themselves.
[3] Includes the MDTA–OJT program, which ended with fiscal 1970 except for national contracts and the JOBS–Optional Program, which began in fiscal 1971; Construction Outreach is not included.
[4] Data relate to only three of four program components.
[5] 7 years or less.
[6] 8 to 11 years.
Source: U.S. Dep't of Labor, *Manpower Report of the President* 52 (1974).

and nonresidential programs.

Work Incentive (WIN) Program — operated through State employment offices to provide WIN enrollees with education, counseling, work experience, training, and supportive services. The program focused on AFDC recipients required to register with WIN in order to receive public assistance.

Public Employment Program (PEP)—units of Federal, State, and local governments and Indian tribes received Federal funds to operate PEP's when local unemployment exceeded 6 percent for 3 consecutive months or when the national unemployment rate exceeded 4.5 percent. PEP's were required to provide training and manpower services otherwise unavailable in order to enhance placement of unemployed and underemployed persons in jobs in the public sector.

Data are not available by sex, race, occupational, and income distribution on enrollees in all manpower development and antipoverty programs funded under these legislative mandates, and many programs are still undergoing evaluation (most will not be complete until the end of FY 1975); nevertheless, analysis of available figures suggests that programs designed to increase the economic self-sufficiency of U.S. citizens in poverty have not improved the lot of poor women.

According to the figures in table 5, women enrollees represent nearly three-fourths of all WIN participants, two-thirds of the Public Service Careers enrollees, half of the Neighborhood Youth Corps (in and out of school) and slightly less than half of CEP. Table 6 compares average hourly earnings of males and females who completed some of the above programs (figures for all the programs were not available). In no case were women earning more than men in any program. The widest disparity between male and female earnings was in OJT (On-the-Job-Training) where males earned an average of $4.54 per hour, while females earned $2.45 per hour.

Although figures were not available for every program in which women predominate, a recent study completed in March 1974 for the Department of Labor evaluates the impact of MDTA Institutional and OJT training programs on women.[97] This study is important since Neigh-

[97] Mark Battle Assoc., *Evaluation of the Availability and Effectiveness of MDTA Institutional and Training Services for Women* (1974).

TABLE 6

AVERAGE HOURLY EARNINGS OF FIRST POSTPROGRAM JOB OF PERSONS COMPLETING SELECTED MANPOWER PROGRAMS, FISCAL YEARS 1972–1973

Characteristic	MDTA Training				CEP		PEP		JOP *	
	Institutional		On-the-Job							
	1972	1973	1972	1973	1972	1973	1972	1973	Entry, 1973	Upgrade, 1973
All trainees	$2.49	$2.76	$3.16	$4.21	$2.24	$2.33	$3.39	$3.46	$2.56	$3.15
Men	2.75	3.05	3.44	4.54	2.38	2.54	3.54	3.57	2.71	3.27
Women	2.23	2.36	2.12	2.74	2.03	2.06	3.04	3.14	2.14	2.62
Race or ethnic group										
White	2.55	2.84	3.27	4.37	2.14	2.28	3.50	3.56	2.59	3.16
Black	2.32	2.55	2.71	3.60	2.28	2.33	3.23	3.29	2.53	3.11
Spanish speaking	2.25	2.63	2.96	4.11	2.23	2.43	3.06	3.18	2.43	3.04
Age										
Under 22 years	2.27	2.53	2.77	3.00	2.15	2.24	2.78	2.92	2.40	2.77
22 to 44 years	2.57	2.86	3.26	4.37	2.31	2.41	3.33	3.59	2.65	3.22
45 years and over	2.71	2.81	3.41	4.85	2.15	2.17	3.38	3.40	2.50	3.38

* Data not available for 1972.
Source: U.S. Dep't of Labor, *Manpower Report of the President* 53 (1974).

borhood Youth Corps, CEP, WIN, and other program enrollees receive their basic and vocational education through MDTA Institutional and On-the-Job-Training programs. The researchers found that:

—women were being trained in the same occupational areas in which they had been employed prior to training. These occupations were traditionally female ones (70 percent of all female enrollees were trained for and working one year after the completion of training in health care services and clerical jobs);

—women rarely were enrolled (either by personal choice or by counseling) in training programs generally considered traditionally male; and when women did receive training for and subsequently found jobs in male dominated occupations, their wages were significantly lower than male wages;

—efforts to expand training opportunities were generally not focused on opening non-traditional training options to women;

—jobs for which women were trained generally commanded lower wages than jobs for which men were trained.

The profile of women enrolled in MDTA training programs indicates that many are poor and disadvantaged: almost half (48 percent) were either receiving welfare at the time of the survey or had received welfare at some time in the past. Sixty-five percent were also heads of households with dependent children.

The MDTA report indicates that for these women (many in poverty), positive correlation was found between length of training and salary increases. A healthy percentage of female MDTA enrollees (40 percent) reported an increase of greater than 175 percent in their post-training salary over their pretraining salary (if any).[98] In the President's manpower report, a section on planning for the disadvantaged states that "for disadvantaged younger workers, opportunities to enter semiskilled and skilled occupations may improve . . . if they are helped to acquire the relevant skills. . . ." [99] The report goes on to urge policymakers to:

> scrutinize more carefully the characteristics of external and internal markets, paying particular attention to the factors that appear to accelerate or retard the occupational progress of individual workers and of entire groups . . . Among these are the varying levels of individual interest in advancement . . . inequities stemming from race or sex discrimination, the loss associated with intermittent labor force participation (especially among women workers), the decline in advancement possibilities associated with increasing age and the interindustry disparities in wages and promotion possibilities for workers performing essentially similar tasks.[100]

MANPOWER REVENUE SHARING: ISSUES FOR WOMEN

How, to what degree, and even whether the kind of attention asked for in the President's report will be given to the problems of disadvantaged workers (among whom poor women are the most disadvantaged) is a controversial subject now in hot debate. The U.S. is on the threshold of a major shift to local planning and implementation of manpower services through revenue sharing. The Comprehensive Employment and Training Act (CETA),[101] enacted December 1973 as the first "special" revenue sharing legislation, decentralizes to the States and decategorizes many of the programs created under MDTA and EOA.

The impact of CETA is not easily forecast. The President's manpower report opines that "the process of converting the manpower administrative structure to the new pattern . . . probably cannot be completed until [FY 1975]." [102] The 1974 manpower report points out that the new legislation sets aside one-fourth of CETA funds (total, $2 billion) for certain manpower needs which can "best be served by national programs." Ongoing national programs identified in the President's report include: Construction Outreach (opening apprenticeable trades to minority

[98] Mark Battle Assoc., *Re-analysis of MDTA Outcomes Study* II-5 (1974).

[99] U.S. Dep't of Labor, *Manpower Report of the President* 127 (1974).

[100] *Id.*

[101] 29 U.S.C. § 801 *et seq.*

[102] *Manpower Report, supra* note 99.

youth), the JOBS (Job Opportunities in the Business Sector) program (through FY 1974), Operation Mainstream, vocational rehabilitation, veterans' programs, and the Public Employment program. These programs have not traditionally enrolled high percentages of women. (JOBS has 25 percent female enrollees; Mainstream, 34 percent; and PEP, 28 percent).[103] The national programs not specifically referred to will presumably be phased out as soon as possible. Among these will be programs traditionally involving high percentages of women (Neighborhood Youth Corps, over half female; and Public Service Careers, 65 percent women).[104]

There have been several concerns expressed on aspects of the legislation's provisions and the regulations and guidelines as they have been developed. The Coalition on Human Needs and Budget Priorities, for instance, has noted that: "dollars appropriated for CETA in FY 1974 represent a 20 percent cut in funding from that available to similar programs in FY 1973." The coalition has termed the program "an illusion of more" and is alarmed at what it sees as "spending trends as conservative as last year's, which is hard to understand in view of the predictions of an unemployment rate of between 6 and 8 percent for the coming year." [105]

The president of the Interstate Association of Commissions on the Status of Women pointed out in a recent letter to the Assistant Secretary of Labor for Manpower that:

> [The section of] CETA which described the composition of the prime sponsor's Planning Council omits the mention of women as essential members . . . Because of the size of the female workforce . . . the disproportionately high rate of unemployment among women, especially minority women and young women, the markedly lower average earnings of females, the difficult problem of training and placing women in non-traditional occupations to increase their potential or higher earnings and upward mobility, the urgent needs of women for child care and other supportive services, and the intensified needs of the female heads of household, so many of them living below the poverty level, must be forcefully presented to Manpower Councils at every stage.

Among other suggestions, the association president also urged that "in any mandatory system of reporting, the Department of Labor obtain data on program participants by sex-by-race [as well as] age, education, family status, and income," [106] in order to insure proper attention to the economic problems of women.

The U.S. Commission on Civil Rights has urged that "women . . . be represented on the planning council(s) in approximately the same proportions they comprise of the population in the area to be served" and also recommended that "firm evaluation audit guides and other guidelines be established by which it can be determined if localities receiving CETA monies are complying with civil rights and women's rights laws, and which establish minimum standards to which auditors would be expected to adhere in scrutinizing prime sponsors' reports on progress toward compliance with civil and women's rights laws and regulations." [107] USCCR also urged that equal opportunity and affirmative action plans should be required of both prime sponsors and subcontractors.

The Department of Labor's Manpower Administration began training sessions for regional Manpower staff in May 1974 with reference to EEO compliance in CETA programming. In a draft equal employment opportunity guide produced at that time, suggestions were made to regional staff and prime sponsors on the elements of a good affirmative action plan for CETA staffing, as well as for placement and training of CETA clients. The draft guide suggests the following as important elements of an affirmative action plan:

—gathering of data on the size and composition of the minority and female population, its unemployment rate, and its percentage of the total workforce;

—determination of the availability of minorities and women with skills in an area in which sponsors can reasonably recruit;

—confirmation of existence of training insti-

[103] See table 5, *supra*.
[104] *Id.*
[105] *N.Y. Times*, April 29, 1974.
[106] Letter from Joy Simonson, president of the Interstate Association of Commissions on the Status of Women, to Assistant Secretary of Labor for Manpower, William Kolberg, May 1974.
[107] U.S. Comm'n on Civil Rights, Comments on draft CETA regulations (February 1974).

tutions capable of training minorities and women.[108]

Determination of the effectiveness of affirmative action plans developed by CETA prime sponsors will not be discernible for at least a year, but a recent interview with an official of the Manpower Administration, who served on the planning council for the development of CETA guidelines, gives some clues. Asked what the effect of CETA will be on women, particularly low-income women, the official stated that, in her opinion, the effect of CETA on women would probably be about the same as the old manpower programs. According to this official, States and localities up to now have not demonstrated that they are "more in touch" with people's needs in their localities than the Department of Labor has been. If States only do what Federal programs have done in the past, then State-run programs funded through CETA will probably continue to train and place women in low-paid, female-dominated occupations.

If the CETA EEO guidelines developed by the DOL are followed, however, there may be some increase in the numbers of women placed in jobs, OJT, and institutional training in traditionally male-intensive (and generally higher-paid) occupational areas. Prospects for large scale improvement in the economic status of poor women (and men) in the near future are bleak, however, given the general state of the economy with its stubborn high unemployment rates and the uncertainties of the short and long range impact on job opportunities of the energy shortage.[109]

WIN and Women: Workfare on a National Scale

The Work Incentive program is the largest Government manpower program which will remain outside CETA influence. It was established by two sets of amendments to the Social Security Act (WIN I—1967 and WIN II—1971, also known as the "Talmadge Amendments").[110] WIN's focus is on welfare (AFDC) recipients, and its composition is 70 percent female. WIN has its own separate funding. WIN will continue to operate for the foreseeable future as it has since 1967 as a coordinated project of the Department of Labor and the Department of Health, Education, and Welfare. In the President's latest manpower report, an entire chapter is devoted to WIN, an indication of its significance. Other programs such as the Public Employment program (PEP) and the Neighborhood Youth Corps (NYC), both of which have larger enrollments than WIN, receive much less space in the report.

The WIN program has evolved through two stages (WIN I and WIN II) over the 7 years of its existence and is now in the process of shifting into a third stage (WIN III). Each stage has progressively emphasized job placement over institutional training, and the emphasis has been on reducing welfare costs rather than increasing recipients' potential for self-support.

The cumulative effect of WIN II legislation, regulations, guidelines, and practice has been to require participants to take jobs when jobs are available, regardless of the potential of such jobs to increase the participants' chances of upward mobility or to lessen their need to depend on public assistance. According to the President's manpower report, "welfare recipients are usually offered (and many are holding) unskilled labor or low-level clerical jobs typically characterized by high turnover and low wages." The effect on young mothers in the program has been that "[they] . . . have to work more than two full weeks to match their monthly cash benefits . . . [and that] when food stamps, health care . . . public housing . . . child care and other work related expenses are considered, it is apparent that jobs at or near the minimum wage are not a viable alternative for many [WIN participants]." [111]

The following chart demonstrates the extreme changes in the program between WIN I and II. Participation in skill training has dropped from 20 percent in 1972 to 6 percent in 1973; OJT and PSE (Public Service Employment), the only other WIN components that provide skill-upgrading, have increased their enrollment by only 1 percent. The President's report states that "since about 70 percent of WIN participants are women, the reluctance of employers to consider

[108] U.S. Dep't of Labor, Draft CETA/EEO Guide (May 1974).
[109] *Manpower Report, supra* note 99, at 104.
[110] 42 U.S.C. § 630 *et seq.* (1973).
[111] *Manpower Report, supra* note 99 at 140.

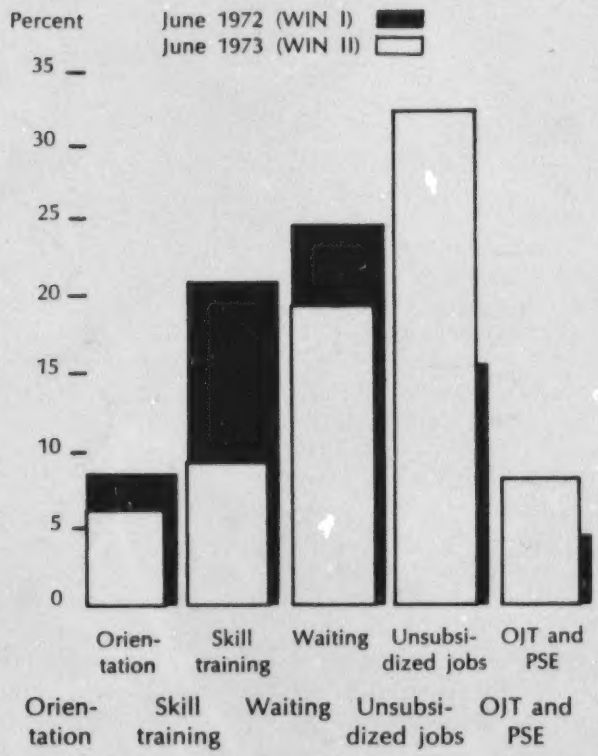
women for jobs traditionally held by men [has] handicapped attempts to increase the numbers of participants in OJT." [112]

Equal employment oportunity law specifically prohibits discrimination by sex in manpower training programs. Attractive financial incentives (including direct reimbursement to employers for training, tax credits, and payment of WIN participant salaries) are offered employers who sign contracts for OJT and PSE. Nevertheless, combined enrollment in OJT and PSE remains low (about 6 percent of all participants).

[112] *Id.*

CHART I

THE PROPORTION OF WIN PARTICIPANTS IN UNSUBSIDIZED JOBS NEARLY DOUBLED IN A YEAR



Orien-tation Skill training Waiting Unsubsi-dized jobs OJT and PSE

NOTE: Percentages do not add to 100 because only major program components are included. Not shown are classroom training (other than skill training), work experience, and training and employment programs not funded under WIN.

Source: U.S. Dep't of Labor *Manpower Report of the President* 134 (1974).

Since WIN/JOP (Jobs Optional Program) and PSE placements increasingly are the only kind of training available to WIN participants, it would seem, according to the figures cited, that the potential in the WIN program for improving the overall skill level of poor female participants is nearly nonexistent.

In 1968, it was predicted that WIN would undoubtedly fail in its objective of reducing assistance rolls through a program of training and job placement. Following are some reasons given for this prediction:[113]

—there would be a limited demand in the private sector for welfare recipients' labor;

—most jobs that WIN would be likely to find for recipients would be menial, low-paid and dead-end jobs;

—local employment services, in their zeal to continue and expand Federal funding, would be likely to emphasize rapid placement of WIN participants (in the only kinds of jobs available for the low-skilled WIN participant: dead-end menial work).

The President's 1974 manpower report confirms that these 1968 predictions have come true. The report cites research which "point(s) to a paucity of jobs available to welfare recipients at a sufficiently high wage level to result in the removal of most family heads from the rolls."[114] Also, despite the findings of the recent study[115] that women in the training programs reported high percentages of increase in salary after training over pretraining wages, and despite findings in other WIN research that black and other minority women show the most economic gains as a result of training,[116] WIN II (and by all reports, WIN III) has increasingly deemphasized training in favor of rapid placement in low-paying jobs with no future.

[113] *Cases and Materials in Law and Poverty* at 1122 (1969).
[114] *Id.*
[115] *Evaluation of MDTA Training, supra* note 97.
[116] *Manpower Report, supra* note 99 at 141.

IV. FEDERAL CHILD CARE LEGISLATION
History, Status, and Prospects

Unlike many Western nations, the United States has never made any national commitment to the broad child care and developmental needs of its children and families. Current Federal support for child development and day care program operations is virtually limited to Head Start, a remnant of the antipoverty programs of the sixties, and social services designed to remove welfare recipients from dependency. This section discusses the scope of the existing programs, recent efforts to enact some form of child care legislation, the status of those efforts now, and the prospects for significant legislative action in the near future.

CURRENT FEDERAL PROGRAMS

In 1964, as part of the package of Great Society programs enacted to deal with the problems of the poor in this country, Congress established project Head Start,[117] an early childhood development program designed to provide a full range of educational, nutritional, health, and social services for preschool children of low-income families. The purpose of Head Start, in the minds of its designers, was to provide the extra help necessary to overcome the educational disadvantages poor children had, by reason of their poverty, and to place them on an equal footing with middle-class children when they entered kindergarten or first grade. Head Start was unique in the comprehensive nature of the services it provided, the integral involvement of parents in programs and policies, the reliance on community organizations (in most cases, community action agencies) as the provider of services, and the training opportunities it afforded low-income parents and persons from the child's community.

Currently, the program serves 379,000 children in half-day, full-day, and summer projects, at a cost for fiscal 1974 of roughly $400 million. There has been, however, no significant expansion of the program since 1965. For the first time in several years, HEW has requested a budget increase for fiscal 1975,[118] but this is merely to pay increased operating costs and will not provide any services for additional children. Head Start was never designed to be a day care program; but, where the program operates on a full-day (i.e., 6-hour) basis, it has helped serve certain day care needs.

In 1967, Congress amended the welfare provisions of the Social Security Act[119] to authorize 75 percent Federal matching funds to States for social services for current, former, and potential AFDC recipients. Social services were defined broadly in the act as "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting, or strengthening the family, and such other services as will assist members of a family to attain or retain capability for maximum self-support and personal independence."[120]

Regulations implementing the law[121] required that the States provide day care services for current welfare recipients who were participating in the Work Incentive program or who were required to accept training or employment from other sources. In addition, the States had the option of providing other day care services for past and potential welfare recipients (defined by the States individually on the basis of income or as a group on the basis of place of residence). The day care the States could provide under the act included in-home (i.e., babysitting) services,

[117] Equal Opportunity Act, 42 U.S.C. § 2809(a)(1).

[118] *Budget of the United States Government for Fiscal Year 1975* at 465 (App.) (1964).
[119] 42 U.S.C. § 603.
[120] 42 U.S.C. § 601.
[121] 29 C.F.R. 56 *et seq.* (1973).

family day care which met standards reasonably in accord with those of such national standard-setting organizations as the Child Welfare League of America, or center care which met the Federal interagency day care requirements.[122] States could either provide the services directly or purchase services from other public or private agencies.

Gradually, the States began to make use of this open-ended program to fund day care services, particularly where they could find private agencies that were willing to put up the 25 percent funds to match the Federal dollars. Today, Title IV–A funds an estimated $500 million in day care. An additional $45 million is spent for day care in the Work Incentive program (WIN). HEW claims that these funds purchase as much as 750,000 years of child care. However, these programs, tied to welfare and operating now under federally-imposed ceilings, do not attempt to provide broadly available child day care programs.

Pressures for Child Care Legislation

By the end of the 1960's pressure for an expanded Federal role in day care and early child development had begun to mount, as a result of a number of concurrent developments:

—In one of his first messages to Congress, in February 1969, President Nixon called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life." [123]

—The 1970 White House Conference on Children voted as its top priority recommendation the provision of "comprehensive family-oriented child development programs including health services, day care, and early childhood education." [124]

—The Joint Commission on the Mental Health of Children recommended in its 1969 report to the Congress that "high priority be given to the establishment of day care and preschool programs . . . available as a *public utility* to all children on the following basis: half-day or less, full-day arrangements for the working mother, and round-the-clock short-term or long-term care during periods of family crisis or emergencies." [125]

—Over 5 years of experience with Head Start had demonstrated the value of a federally-supported early childhood development program in terms of the nutritional, health, and social gains of the child, the development of new skills in parents, and the increased responsiveness of a whole range of public institutions to the needs of low-income families.

—The number of working mothers had nearly doubled since 1965, to the point where one-half of all mothers with children in school were in the work force, and nearly one-third of all mothers with preschool children were working at least part time.

—The growing women's movement, with child care as one of its principal issues, was gaining increased credibility and political strength.

LEGISLATIVE PROPOSALS IN THE 91ST CONGRESS

These multiple pressures were reflected in the growing number of child care bills introduced in the 91st Congress. In the Senate, these included proposals to implement the day care authority in Title V of the Economic Opportunity Act of 1964 [126] which had never been funded, to establish a new comprehensive community child development program through local and State child care councils, and to create a system of child care services districts similar to school districts. However, none of these bills received committee attention.

In the House of Representatives, the Select Subcommittee on Education of the House Education and Labor Committee held extensive hearings on a Comprehensive Preschool Education and Child Day Care Act of 1969 during late 1969 and early 1970. Late in the second session of the 91st Congress, the subcommittee reported that bill to the full committee. However, the competing pressures for legislative action during the

[122] 45 C.F.R. 71 (1973).
[123] Special Message to the Congress on the Nation's Antipoverty Programs, Feb. 19, 1969, in *Public Papers of the Presidents: Richard M. Nixon, 1969*, at 114 (1971).
[124] "Report to the President: White House Conference on Children."
[125] "Crisis in Child Mental Health: Challenge for the 1970's."
[126] 42 U.S.C. § 2932.

closing days of the session and controversy over the delivery system in the proposed child development bill combined to prevent its enactment before the Congress adjourned. Nevertheless, leading proponents of child care legislation in both the House and Senate and a broad range of outside organizations made a commitment then to child development as a priority issue for legislative attention in the 92nd Congress.

COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1971

Movement on child care legislation began almost immediately after the 92nd Congress convened in 1971. An informal coalition of about 20 national organizations, including labor, civil rights, education, church, women's, community, parent, and child advocacy groups, began meeting to help design legislation and to organize support for its enactment. Coordinated by the Washington Research Project Action Council, a public interest lobbying organization with a focus on civil rights and children's issues, the ad hoc coalition grew to include nearly 50 national and regional groups by the time the measure was finally passed.

The bill, developed with the assistance of the groups in the coalition, was introduced, in somewhat different forms, in the Senate by Senators Walter Mondale (D–Minn.), Jacob Javits (R–N.Y.), Gaylord Nelson (D–Wis.), Richard Schweiker (R–Pa.), and 26 others as S.1512 and in the House of Representatives by Congressmen John Brademas (D–Ind.), Ogden Reid (D–N.Y.), and eight other members of the House Education and Labor Committee as H.R. 6748. Both measures authorized new Federal funds for a comprehensive child development program to provide a full range of developmental services for children and families, including but not limited to child care, with provisions for community and parent participation in the planning and operation of the programs. Services were to be available without cost to families with incomes below the Bureau of Labor Statistics lower living standard budget [127] and on the basis of a sliding fee schedule for families with higher incomes—thereby establishing a new definition of need for publicly-supported services which included working poor and middle-class families.

Hearings were held by the Subcommittees on Children and Youth and on Employment, Manpower and Poverty of the Senate Labor and Public Welfare Committee and by the Select Education Subcommittee of the House Education and Labor Committee. Both the House and Senate committees heard a broad range of witnesses, including members of the ad hoc coalition, as well as child development specialists, parents, and operators of child care programs. No opposition to the principle of federally-supported child development and day care programs was heard, although there were some differences of opinion expressed on the level of funding and the system for delivering the programs.

The White House remained silent on the legislation and did not testify before the congressional committees. HEW, however, at a time when the bills were fairly well along sent to the committees its own "legislative specifications" for child development legislation.[128] Those specifications called for coordination of existing services and the development of new delivery systems but without new funds to expand programs or establish new ones.

In July 1971, the Senate committee voted to include the provisions of S.1512 as a separate title of S.2007, the bill to extend the Economic Opportunity Act. The OEO bill was taken up on the floor of the Senate in September; and, after amendments to limit eligibility in the program and to restrict parent involvement were overwhelmingly defeated, the Senate voted 46–17 to include the child development section in the bill and then voted 49–12 in favor of the entire measure.

In the meantime, the House subcommittee had reported to the full Education and Labor Committee its version of the child development bill, with some revisions which reduced the amount of parent involvement and local control of the program, but for the most part similar to the Senate bill. The full committee, however, did

[127] U.S. Bureau of Labor Statistics, Dep't of Labor, Release No. 73–253 (June 15, 1973).

[128] *Hearings on S.1512 Before the Subcomm. on Employment, Manpower and Poverty and the Subcomm. on Children and Youth of the Senate Comm. on Labor and Public Welfare*, 92d Cong., 1st Sess. (1971). *Hearings on H. 6748 Before the Select Subcomm. on Education of the House Comm. on Education and Labor*, 92d Cong., 1st Sess. (1971).

not act on the bill before H.R. 10351 (the Economic Opportunity Act extension) came to the floor of the House. Subcommittee Chairman Brademas moved to add the child development provisions to the OEO bill and his amendment carried by the narrow vote of 186–183. The House then voted to limit eligibility for the program to conform to eligibility in welfare programs and passed the amended bill by a vote of 251–115.

When the House and Senate went to conference on the measure, the controversy over the child development provisions centered around the question of eligibility for services. The administration favored setting eligibility at a level consistent with its welfare proposals. After a number of efforts to reach some compromise, the conferees accepted the White House position, only to learn then that the administration had other problems with the delivery system of the bill. The conferees refused to make further concessions on the bill and reported its compromise, which was accepted in the Senate by an overwhelming vote of 63–17 and in the House by a vote of 210–186.

During the final days of congressional consideration of the bill, opposition to its enactment was mounted on the grounds that such legislation was an improper intrusion of the Federal Government into American family life. The arguments of these opponents bore striking resemblance to the arguments that had been mounted against Federal support for public education more than a decade and a half earlier.

On December 10, 1971, President Nixon vetoed the bill. He stated that "neither the immediate need nor the desirability" of the program had been demonstrated, that it would "alter the family relationship," "diminish parental authority and parental involvement with children," and commit "the vast moral authority" of the Federal Government "to the side of communal approaches to child rearing over the family-centered approach." [129] Although the Senate voted 51–36 to override the President's veto, it fell short of the two-thirds necessary to pass the bill over White House objections.

In June 1972, the Senate again passed by a vote of 73–12 a Comprehensive Headstart, Child Development and Family Services Act, S.3617, similar to the one the President had vetoed. But the House could not act on the bill and the 92nd Congress adjourned without enacting any child development legislation.

CHILD CARE AND WELFARE REFORM

The administration's proposal for a Family Assistance Plan to replace the existing welfare system did not contain child care provisions. The proposal, based heavily on requiring welfare recipients to work or enter training programs, was first proposed in the 91st Congress and a version passed the House of Representatives. It was not until the measure reached the Senate Finance Committee that its lack of child care provisions was noticed. To fill this gap, Senator Russell Long (D–La.), Chairman of the Senate Finance Committee and a leading advocate of "forced work programs," proposed a "child care corporation" to purchase day care services (with minimal standards) for welfare recipients who would be required to work. The corporation approach was opposed by many child care advocates as establishing the most limited Federal role for day care —custodial babysitting services for welfare recipients, without program standards or parent involvement, with little if any opportunity for development of community institutions, and with no possibility for participation of children and families in need beyond the welfare population. The Senate rejected the child care corporation by a vote of 41–38, and the 91st Congress adjourned without taking any final action on welfare reform.

When the House of Representatives reconsidered welfare legislation in the 92nd Congress, this time as H.R. 1, it added authority for $750 million for the Secretary of Labor to purchase day care for welfare recipients who would be put to work. The House Ways and Means Committee noted in its report that "child care for the pre-school child should not be of low quality, but should include educational, health, nutritional, and other needed services whenever possible." But the committee went on to say that, "the lack of child care at that level would not be good cause for failure to take training, if other

[129] Veto of the Economic Opportunity Amendments of 1971, Dec. 10, 1971 in *Public Papers of the Presidents: Richard M. Nixon, 1969*, at 1177–1178 (1972).

adequate and acceptable care is available." [130]

The Senate Finance Committee added a "Bureau of Child Care" to its version of H.R. 1, a proposal which retained all of the objectionable features of the corporation which the Senate had previously rejected. By a vote of 29–47, the Senate again rejected the proposal and approved instead a measure to provide $800 million through the existing social services system (Title IV–A of the Social Security Act) for day care for working welfare recipients.

The House and Senate were never able to resolve their differences on H.R. 1 as it related to the welfare program for families with dependent children, and all of these provisions were dropped.

CHILD CARE LEGISLATION IN THE 93RD CONGRESS

Advocates in Congress of child care continue to express support for new legislation, and a number of measures similar to the one the President vetoed in 1971 have been introduced in both the House and Senate. However, given the budgetary pressures under which Congress is operating, the continued signals from the White House that any child care bill would be vetoed, and the success with which other vetoes of presumably popular legislation have been sustained, there is little likelihood that either house of Congress will move a child development bill this year.[131] Indeed, Congress is preoccupied with preserving the child care programs that now exist.

Congress is acting now to extend the legislative authority for Head Start, authority that will expire this year with the termination of the Economic Opportunity Act. At present, the House Committee has approved a Community Services Act, H.R. 14449, which would transfer and extend most of the programs originally authorized under EOA. Title VII, Part A, of the bill extends the authority for Head Start for 3 years. The Senate Committee is only beginning to give attention to the bill, and it is not at all clear at this point whether agreement can be reached on a measure which the President would sign. However, while the administration continues to voice its opposition to continuation of community action and other features of the proposed Community Services Act, it supports the extension of Head Start. It is likely, therefore, that even if a Community Services Act is vetoed, separate Head Start legislation could become law.

The prospects for extending and expanding child care services through Title IV–A are less clear. Since February 1972 HEW has tried to implement new regulations for social services which, with regard to day care, would limit services to children of current welfare recipients who are working or who are incapacitated, and to children of narrowly defined "potential" welfare recipients whose income is little more than that of recipients and who have "categorical relatedness" to welfare (e.g., female-headed and single-parent families). In response to broad public protest, Congress twice has delayed the new regulations, and they are now scheduled to take effect on January 1, 1975. The purpose of the latest delay through the end of this year was to give Congress time to enact new social services legislation which would assure continued access to the program for a broader population of families and children in need of these services. The Senate has already passed such legislation, as an amendment to a welfare bill, H.R. 3153. However, to this date, the House of Representatives has not gone to conference on H.R. 3153.

Certain other proposals, such as children's allowances and a children's trust fund, have been advanced as alternatives to categorical child development and day care legislation, but none of these measures is receiving any serious attention at this time. Efforts are underway, however, to liberalize tax deductions for child care as working expenses, and there is some possibility that such a change could be included if a tax reform bill reaches the floor of the House and Senate.

PROSPECTS FOR CHILD CARE LEGISLATION

While there is virtually no chance of enacting any significant new child care measure in the 93rd Congress, the long-range prospects for such legislation are much better. The need for quality child care continues to grow as more women enter the work force, and the grassroots support

[130] *Hearings on H.R. 1 Before the House Comm. on Ways and Means*, 92d Cong., 1st Sess., at 12 (1972).
[131] Washington Research Project Action Council analysis.

for publicly-supported child care programs continues to build. A significant number of States are enacting child care legislation in some form and are establishing separate offices or agencies to deal with child care development. In a handful of localities, child care groups have been able to secure revenue sharing funds from city and county governments. In Congress, supporters of child care legislation are indicating their intent to move forward with some form of a comprehensive bill next year.

However, a number of critical issues, some of which were raised in 1971 and others which have never been debated, must be resolved before any legislation can be passed by the House and Senate. Among those issues are the following:

—Scope of the legislation: Will it be limited to day care or will it include a full range of child development services? Will it authorize major new resources for development and operation of programs, or will its emphasis be on consolidation of existing programs with new funds limited to training and planning?

—Level of appropriations: Will there be a significant commitment of new Federal funds to carry out the broad purposes of the act, or will there be only a token appropriation?

—Delivery system: What will be the relative role of Federal, State, and local governments, of public schools, nonprofit community child care groups, proprietary day care operators?

—Role of parents: To what extent will they have actual decisionmaking authority at both operating and administering levels?

—Eligibility and priorities: Who will be eligible for free services and how will a fee schedule be established? Who will have first priority if services are limited–the poor, the handicapped, children of working mothers, or single parents?

—Standards: What kind of Federal program standards will apply? Will they include prohibitions against race and sex discrimination? Will they provide for bilingual-bicultural services? Will there be any enforcement mechanism to assure compliance?

V. INCOME MAINTENANCE
The Elderly Poor

SOCIAL SECURITY

The Social Security Act was enacted into law on August 14, 1935.[132] The act presently contains 19 titles which include: retirement and survivors benefits (most commonly referred to as "social security benefits"—Title II); the new welfare provisions for the aged, blind, and disabled (SSI—Supplementary Security Income—Title XVI); the health insurance program for the aged (Medicare—Title XVIII); the welfare program for families with dependent children (AFDC—Title IV); disability assistance (Title XIV); and several other programs which combine to form the Federal framework providing income security for most workers, dependents, and disabled persons in the United States.

Worker's Benefits

Title II of the act—Federal Old Age, Survivors, and Disability Insurance benefits—provides continuing income when family earnings are reduced or stop because of retirement, disability, or death. It provides by far the most important source of income maintenance for older American women.[133]

Retirement benefits are related to average monthly earnings in covered employment. The earnings used to compute the average include only those earnings under the maximum amount on which social security tax was paid; in 1973 that amount was $10,800 per year. All adult years (except for 5 years) are considered in determining the average, including any years in which an individual did not work. The law now provides that social security benefits and the earnings ceiling will automatically rise to cover increases in the cost of living. The contribution rate "social security tax") is 5.85 percent each for employee and employer. That rate also will rise to more than 6 percent in 1978.

Workers can begin receiving retirement benefits at age 62, but an "actuarial reduction" is applied since the normal retirement age is 65. Widows and widowers are eligible for reduced benefits on their spouse's account at age 60. At age 65 a retired worker is entitled to his or her full "primary insurance amount" (PIA). Dependent's and survivor's benefits are related to the PIA; for example, a wife's benefit is equal to one-half her husband's PIA; a widow at age 65 gets her husband's full PIA; a child of a retired worker gets one-half the PIA. Total amounts payable on a worker's earnings record are subject to maximums ranging from 150 to 188 percent of the PIA. Workers are always eligible for the full benefit based on their own earnings record. If they are also eligible as a dependent of another wage earner, they receive only the larger of the two benefits. Although women are increasingly entering the rolls as retired workers, in 1970 approximately one-half the women receiving social security benefits were covered as dependents of their husbands.[134]

Women and the Social Security Program

Historically, the Social Security Act has been subject to serious charges of sex discrimination. Many of the overt inequities against women have been remedied so that the law, as it now stands, contains relatively few features that, within specific provisions, discriminate against women. However, this is not to say that the Social Security Act is free of *sex* discrimination. Some of its provisions presently discriminate against men. Moreover, it is accurate to say that the social security *system* does contain inherent in-

[132] 42 U.S.C. § 301 *et seq.*

[133] Lauriat, *Social Security Benefits for Older American Women*, Social Security Administration, Office of Research and Statistics (prepared for the Research Conference on Women and Social Security, Vienna, Austria, 1972).

[134] Reno, *Women Newly Entitled to Retired Worker Benefits: Survey of New Beneficiaries, Social Security Bulletin*, April 1973.

equities that work to women's disadvantage. Consider, for example, that as of October 1972, the median PIA for women (both workers and dependents) was $138 per month, whereas the median PIA for men was $214.[135] In June 1973, retired women workers were paid an average monthly benefit of $144 while men received an average of $181 per month.[136]

The two major features within the act itself that presently discriminate on the basis of sex are (1) the unequal benefit rights of women's dependents and (2) the insured status of divorced men. With respect to the first category, a three-judge court recently held that section 202(g) of the act,[137] which provides for the payment of mothers' insurance benefits (but not fathers'), is an economic disadvantage to women wage earners and, therefore, violates fifth amendment equal protection provisions.[138]

Discrimination with respect to the second category takes two forms: first, the availability of benefits to certain categories of women and not to corresponding categories of men–specifically, a benefit for a divorced wife and surviving divorced wife of a recipient but not for a divorced husband or surviving divorced husband;[139] and second, the imposition of a requirement that a man who can qualify for benefits based on the earnings of his spouse prove that he derives half his support from that spouse when no similar requirement is imposed on women seeking similar benefits.[140] One can expect that, if these instances of sex discrimination are not remedied through the amendment process, they eventually will be challenged in the courts.

The most serious women's issues with respect to the social security scheme stem from women's traditional role in the labor market and the discriminatory patterns of employment that have prevailed. According to fairly recent statistics, aggregate payments to women were 46 percent of the total social security payments while women constituted 52 percent of total beneficiaries in the system.[141] The reasons for this are basically: (1) women earn less than men; (2) more women retire earlier than men at reduced benefits; (3) more women are receiving dependent's benefits, which are lower than the amount paid to the wage earner; and (4) more women are in the special over-72 category.

In one view, women actually fare better than men because of their low average incomes. Social security pays a much higher percentage of benefits for the first $110 of earnings than it does of the next lowest monthly earnings.[142] This is termed the "weighted benefit formula." As one economist summed up the present scheme, "right now Social Security operates to transfer income from men to women."[143] Yet as employment patterns change, as more women work outside the home for better pay, the inequities of the system will become more obvious.

The most basic problem inherent in the system is what can simply be called "dual eligibility," the consideration of women as both wage earners and dependents. As more women enter the work force, this problem becomes exacerbated. Currently 63 percent of all families have more than one "family earner"–most often a working wife.[144] The social security system is such that neither survivors' nor retirement benefits bear the same relation to contributions when two or more earners provide the family income as they do in the case of the single earner. For example, in 1971 there were 20 million families with both husband and wife at work; median earnings for the husband amounted to $8,858 and for the wife, $3,325. The total family earnings of $12,183 would have required payment of social security taxes of $578, almost $175 more than a person earning, on an individual basis, the sum of $12,183.[145] As the ceiling on covered earnings increases, the impact of this inequity increases.

Proposals for Change

Several proposals have been made to improve

[135] *Id.*
[136] Mallon, *Women Born in the Early 1900's: Employment, Earnings and Benefit Levels, Social Security Bulletin*, March 1974.
[137] 42 U.S.C. § 402(g).
[138] Wiessenfeld v. Secretary of HEW, No. 268–73 (D. N.J. 1973).
[139] 42 U.S.C. § 402(b)(1). Unfortunately, in order for a surviving divorced wife to be eligible for benefits, the marriage had to have lasted for 20 years.
[140] 42 U.S.C. §§ 402(c)(1)(C), (f)(1)(D)(i).
[141] Bixby, *Women and Social Security in the United States, Social Security Bulletin*, Sept. 1972.
[142] 42 U.S.C. § 415 (1973).
[143] Testimony of C. S. Bell before the joint Economic Comm., 93d Cong., 1st Sess., July 25, 1973.
[144] *Id.*
[145] *Id.* at 7.

benefits to working married couples: for example, combine the earnings of both for a determination of PIA and then divide by two; credit each earner with half their combined earnings each year of marriage; or reduce the tax rate for working wives. Many of these suggestions create other inequities while trying to solve the basic problem. One of the most basic and radical solutions involves rectifying a most significant discrimination against women who do unpaid work in the home. Several bills have been introduced in Congress to cover, for social security purposes, unpaid work in the home.[146] If nonpaying housework were recognized for social security benefits, each individual could be insured for social security purposes on his or her own account, and the problem of dual eligibility would be solved.

Other countries do recognize work in the home for retirement insurance coverage,[147] and there are other instances currently where our own Social Security Act covers persons who are doing "nonpaid" work. Unpaid members of religious orders can now be covered.[148] The economic value of women's unpaid work at home is also somewhat recognized now by social security when the system acknowledges that "child's benefits based on a mother's earnings are important to a husband who must hire a replacement housekeeper" in the event of his wife's death. It is also recognized when social security gives a divorced woman benefits because she has not had the opportunity to work during marriage and even though she really is not dependent on her ex-spouse. The coverage of homemakers may not be as radical a suggestion as it may seem.

There are also other less dramatic changes that could be made in the social security system to improve protection for women. They fall basically under the category of reducing the effect of absences from the labor market. One major reform recommended concerns disability benefits. Only 40 percent of working women today are insured for disability benefits, while 90 percent of working men are insured.[149] To be insured for disability purposes, one must not only have the required "quarters of coverage" for insured status but must also have worked at least 5 out of the 10 years prior to the onset of disability. This "current insured requirement" discriminates against women who frequently must be absent from the labor market for a number of years for child rearing. The recommendation would be to drop the currently insured requirement and pay on the basis of fully insured status only.

Another simple change in the Social Security Act that would improve the level of benefits to women is to increase the number of years that may be ignored in computing average earnings. Currently only 5 years of "low earnings" may be ignored, and this is not enough time to take into account years when mothers need to be away from the full-time job market.

In summary, therefore, there are certain fairly minor changes that could be made within the act itself to improve benefits to women. At the same time, recognition should be given to certain advantages women now have under the act. The major recommendations to improve the status of women in the social security system, however, involve basic changes to tie benefits strictly to earnings, to eliminate the concept of dual eligibility, and to credit unpaid work in the home for purposes of coverage.

PRIVATE PENSION PLANS

In addition to the Federal Old Age, Survivors, Disability and Health Insurance program (commonly called social security), the income security of the aged is derived from the vast and diverse retirement programs provided by corporate and governmental employers. In 1972, approximately 140 million persons had some earnings credited under the social security system and about 51 million persons were working under some type of employer-employee retirement plan.[150]

Employer-employee retirement plans include those supported by corporate contributions and the government-administered plans. Government plans generally have sufficient assets to provide

[146] For example, H.R. 252, introduced by Rep. Bella Abzug (D.–N.Y.) and H.R. 12645, introduced by Reps. Barbara Jordan (D.–Tex.) and Martha Griffiths (D.–Mich.).
[147] D. Hoskins and L. Bixby, *Women and Social Security—Law and Policy in Five Countries* (U.S. Dep't of HEW, Research Rept. No. 42, DHEW Pub. No. (SSA) 73–118)
[148] 42 U.S.C. § 417.

[149] R. M. Ball, *The Treatment of Women Under Social Security*, Testimony before the Joint Economic Committee, 93d Cong., 1st Sess., July 25, 1973.
[150] R. C. Klemkosky & D. F. Scott, *Pension Funds: Prevailing Issues, MSU Business Topics*, Winter 1973, at 15.

for anticipated benefits and other factors that insure pension rights, such as vesting, portability, etc., and are less troublesome for the government employee because of greater mobility within a system that is much larger than the individual corporate plan. While governmental pension plans are not without problems, the private plans, particularly the uninsured plans, as a whole, present the area with the greatest inequities. It is alleged, for example, that these plans are greatly underfunded, and that millions of workers, particularly women, because of unrealistic vesting provisions, low wages, no portability of accrued rights from one job to another, lack of survivors' benefits, continuous service requirements, etc., never realize the retirement income on which they were led to rely.

Before considering the actual operation of the private pension system, one glaring fact needs to be highlighted. Today, less than one-half of the private work force is employed by a company or belongs to a union that *has* a pension plan.[151] And on this score women fare less well than men, since they typically are in the low-paying occupations, such as the service industry, that are more likely *not* to offer pension benefits. The joint study cited below found that only 36 percent of working women are covered as compared with 52 percent of working men.

The private pension system is based on voluntary action by employers, with employees making some of the decisions under plans that are the result of negotiation. Although there is no requirement that an employer establish a pension plan,[152] considerable incentives, namely, tax incentives, are offered by the Government to encourage the establishment of pension plans. The tax incentives permit employers to deduct contributions made to the plan on behalf of covered employees; earnings on the assets of the plan are exempt from taxation, and employees defer payment of income tax on pension benefits until they actually are received. Lost tax revenues from these incentives are estimated at a substantial $4 billion annually.[153]

How the Private Pension Plan Works—A Glossary of Terms

Most private pension plans are noncontributory; that is, employers make all the contributions. Because pension benefits are thought of as deferred wages and because of the annual $4 billion dollar tax savings to employers, it can be argued, however, that everyone pays for pension benefits—taxpayers, consumers, and the employees themselves. Although there are many different formulas for determining benefits, basically plans are either defined benefit plans or defined contribution plans. Defined benefit plans give benefits of a uniform nature (e.g., $100 per month), whereas defined contribution plans are related to earnings and length of service (e.g., 1 percent of monthly earnings for each year of service). The service and earnings amounts are also dependent on what earnings base is used—for example, either a career average or an average of recent earnings. Plans also vary with respect to minimum and maximum benefits and with respect to the treatment of social security benefits.[154]

Most plans, however, compute benefits by a percentage of annual earnings multiplied by years of service. Those who work longest with the highest earnings receive the largest pensions. It is axiomatic, therefore, that the effects of past employment discrimination have an adverse effect on the pension benefits women receive. One source cited the median benefit for women at $970 per year, compared with a median for men of $2,080 per year.[155]

While there are serious problems with *benefits levels* and *how* benefits are determined, the most crucial questions concern the eligibility provision that determine *who participates* in the plan. Virtually all pension plans require a certain length

[151] U.S. Dep't of Health, Educ., and Welfare, U.S. Labor Dep't, & U.S. Treasury Dep't, *Coverage and Vesting of Full-Time Employees Under Private Retirement Plans* (April 1972).

[152] Both the National Labor Relations Board and the U.S. Supreme Court have held that private employers are required to negotiate with unions on pension plans, which are regarded as a portion of "wages." Allied Chemical and Alkali Workers of America, Local 1 v. Pittsburgh Plate Glass Company 404 U.S. 159 (1971).

[153] Address by G. G. Rudney, Assistant Director of the Office of Tax Analysis, U.S. Treasury Dep't, at the OECD Experts Meeting on the Role of Women in the Economy, at the Dep't of State, Dec. 4, 1973 (hereinafter cited as *Rudney*).

[154] W. W. Kolodrubetz, *Private Retirement Benefits and Relationship to Earnings: Survey of New Beneficiaries, Social Security Bulletin*, May 1973.

[155] R. Nader & K. Blackwell, *You and Your Pension* 14 (1973).

of usually continuous service and a minimum attained age before one can qualify for benefits. The concept of vesting is most central to the eligibility question.

Vesting.—Vesting is the right of a pension plan participant to the accrued pension monies contributed by an employer or union on his or her behalf. This right is usually conditioned on a stated period of service or the attainment of a specified age, frequently both. While the right is an irrevocable right, it is a future right. A covered employee is entitled to this nonforfeitable right only when he or she reaches retirement age (if retirement age is reached). Vesting permits an employee to change jobs voluntarily and retain accrued pension benefits, which can be collected *if and when* retirement age is reached. Only 18 percent of today's private pension plans permit vesting before 5 years of service; 35 percent permit vesting after 5 to 10 years; 30 percent permit vesting after 10 to 15 years; and nearly 33 percent permit vesting only after *15 or more* years of service.[156] Plans frequently provide for phased-in vesting: for example, after 10 years an employee is 50 percent vested and earns 10 percent additional vested rights each year until becoming fully vested (100 percent) after 15 years' service.

The reason why vesting requirements are particularly harsh when applied to women can be found in the results of a recent Labor Department survey which found that half of all women under the age of 55 had worked fewer than 6.2 years at their present job, while the comparable number of years for men was 12.6. One study indicates that only 26 percent of women workers covered by a pension plan have vested rights.[157] Add to this the aforementioned fact that only 36 percent of women workers are covered under *any* pension plan and it is apparent why women workers often lose out in the pension system.

Continuous Service.—Another pension eligibility problem for women is the requirement of continuous service. Frequently, to qualify for a vested right, the years of service, no matter how many, must be continuous. According to Department of Labor statistics, in 1968, half of all men aged 50–54 years had 12.6 or more years of continuous service with one employer; of women in the same age bracket, half had fewer than 6.2 years continuous service.[158] The realities of the situation are that women not only have to drop out of the labor force to bear children, but frequently, because of the poor child care facilities available, must remain outside the work force to raise the children. Even if absence from the labor force is by choice for a period of years, pension rights are lost. Typically, a woman in this position may not even temporarily reduce her work hours to spend time with her child, for part-time earnings normally do not count toward pension eligibility.

Part-Time Employment.—More than a third of all working women work only part time.[159] Frequently, part-time earnings are excluded in determining vesting and continuous service requirements. Furthermore, Internal Revenue provisions encourage the exclusion of part-time and part-year workers from coverage. Section 401(a)(3) of the Internal Revenue Code provides that part-time workers cannot be included in a plan that qualifies for tax exemption. It is ironic that Section 401(a) is designed to prevent "discrimination" in pension fund eligibility.

Eligibility or Enrollment Age.—Age qualifications at both ends of the pension spectrum discriminate against women. Female work patterns show that the percentage of working women peaks at 56.1 percent between the ages of 18 to 24 years. Women then drop out of the labor force between 25 and 35 years of age to raise a family, returning to peak a second time (50.3 percent) between 35 and 44 years of age.[160] Many plans do not include employment before age 25 or 30 in their calculations, and some require that coverage under the plan begin before a specified age, typically 40 or 45. The woman who chooses to return to work after raising a family may either be too old to participate in the pension plan or may not be able to work enough years before mandatory retirement provisions force her to retire. And, of

[156] A. Kerner, Industrial Gerontology Unit, Mayor's Office for Senior Citizens, Chicago, Ill., *Your Pension—How To Make Sure You Get It* (1973).
[157] *Rudney, supra* note 153.
[158] *Job Tenure, Monthly Labor Review*, Sept. 1969, at 18–19.
[159] V. Reno, *Women Newly-Entitled to Retired-Worker Benefits: Survey of New Beneficiaries, Social Security Bulletin*, April 1973, at 10.
[160] C. Burris & B. Clements, *The Private Pension Story*, 1 *Women's Lobby Quarterly*, March 1974, at 6.

course, any break in service of even a year or two destroys the continuous eligibility provisions of many plans.

Pension Rights of Spouses—Survivor Benefits.— Women who have never worked outside the home face at least an equal share of unsatisfactory treatment under the pension system as women who have been in the labor market. Pension rights that have accrued to a husband can easily be viewed as being attributable in part to the wife's work in caring for the children and the home. Nowhere is the need greater for income security than in the case of the elderly widow. Six out of every 10 widows have incomes below the poverty level, and only 2 percent of elderly widows of employees covered by pensions are currently receiving benefits.[161] The plight of the widow under the private pension scheme is attributable to a number of factors.

First, there is currently no requirement that a private pension plan provide survivor's rights. Although many plans do offer this option, it means that the electing employee must take a benefit reduction based on actuarial computations to cover the cost of continuing benefits for his survivor. For example, a man retires at age 65 entitled to a pension benefit of $100 per month. He, however, has elected to cover his wife in the event of his death. His wife is also 65. Because he elected to cover his wife, he now is entitled to a benefit of $80 per month instead of his full $100. Were his wife younger, the reduction in his benefit might be even greater. When the man dies, if his wife is still living, she will be entitled to some portion (usually 50 percent) of her husband's *reduced* benefits; in other words, she will get $40 per month. The 50 percent reduction for the widow is typical, but many plans allow a wage earner to elect a greater percentage for the widow by reducing even more the benefit to the husband.

Faced with the option of reducing his own benefits in order to provide for the possibility that his wife will survive him, and with the often critical need for the full pension, there is a strong tendency for the wage earner not to elect the survivor option. There apparently is no data on how many wage earners elect the survivor option, but one scholar cites an estimate by a leading actuarial firm that the rate is only from 5 to 15 percent of all wage earners.[162]

The survivor's option can also have any number of other stipulations attached to it. Some plans require that the wage earner not only have enough years of service with the company to retire, but that he reach the minimum retirement age before death, or that he *actually* be retired, or that he live some specified number of years after retirement for the survivor's option to vest. With the initial slim chance the widow has that her husband will choose the option in the first place, and the other conditions that might be placed on her receiving possibly half of what he was entitled to, it is small wonder that only 2 percent of elderly widows collect pensions on their husband's private pension accounts.

Actuarial Assumptions

Actuarial assumptions are the framework of any pension plan. Before an employer initiates a plan, he or she must consider a number of actuarial assumptions, such as the number of employees expected to retire at a specified age, the number expected to retire early, the life expectancies of employees, the rate of return on investments, turnover, and employee future earnings. It is only through this educated guesswork that an employer can determine the extent of the contributions he will have to provide to assure that all his employees who reach retirement will actually have something to collect. Actuaries assume that, at any given time, an employer will not have to meet the total potential demand of the system. Therefore, most plans are not fully funded. In the event of termination, many employees will find they have lost at least a portion of what they were entitled to.

The one major actuarial assumption that is used by the pension industry to discriminate against women is separate mortality tables based on sex. According to the sex-based actuarial tables, women are generally said to live 7.5 years longer than men.[163] The pension industry uses these tables to pay smaller benefits to women than to men, given an equal contribution into the fund for men and women employees.

[161] *Id.*

[162] *Rudney, supra* note 153 at 10.

[163] V. Athearn, *Risk and Insurance* 502 (2d ed. 1969).

Some have argued that the tables are dated, and that they do not reflect the experience of working women. In one case, a member of a professional association filed a complaint with the Equal Employment Opportunity Commission about the use of separate sex-based actuarial projections. The EEOC ruled that there was "reasonable cause to believe" that the actuarial tables were discriminatory.[164] Using only the plan's own experience to determine actuarial assumptions, the average mortality age in the tables for women was 86. Although 75 percent of women workers died before age 86, 25 percent of the women lived much longer and this increased the average lifetime expectancy for the group as a whole.

The EEOC guidelines[165] specify that an employer must assure that all workers, both men and women, with the same earnings and credits under the company's pension plan will receive the same benefit amount. However, the Department of Labor has prepared guidelines which state that either equal contributions on the part of the employer to the pension plan or the payment of equal benefits will suffice for contract compliance with Executive Order 11246.[166]

A charge of sex discrimination in the use of the actuarial tables appears inevitable when one considers that other factors, most notably race, have been identified as having significantly different mortality rates and sex is the only separate assumption used by the pension industry to calculate benefits.

Integration of Private Pension Plans with Social Security

Integration is a weighting of the private pension plan for high-income workers in order to provide them with approximately the same *rate* of earnings replacement upon retirement that the low-income worker has from the social security system. Some integrated plans merely guarantee a total monthly payment of combined social security and private pension benefits. When the level of such social security benefits increases, integrated plans may reduce the amount of the private benefits they provide. Table 7 illustrates the way a private employer may integrate his or her private pension contributions with the social security base.

The Internal Revenue provisions that allow integration of private pension plans with social security benefits have the practical effect of partially or totally denying private pension benefits to workers whose earnings do not exceed the social security wage base.[167] Customarily, however, integrated plans do not totally exclude lower-paid workers but simply give them a lesser share of the private pension plan. In general, under present integration procedures, social security benefits atributable to employer contributions are treated as though they were part of the private plan. An employer is allowed by IRS to discriminate by treating wages subject to the social security tax differently from those based on wages above the social security base.[168]

TABLE 7
PRIVATE PENSION INTEGRATION WITH SOCIAL SECURITY

Private Pension and Profit Sharing Plans May Be Confined to Wages Above the Social Security Base

Employee	*Salary Less*	*S.S. Base**	*Private Pension Base*
A	$ 8,000	$10,800	$ 0
B	12,000	10,800	1,200
C	130,000	10,800	119,200

Source: U.S. Treasury Dep't.
* 1973 social security wage base.

Integration is a thorny, complex scheme that has been simplified greatly in this explanation. Without dealing with the specifics, however, it seems reasonable to question the validity of the basic assumption of integration, that the private pension system can weight itself in favor of the high-income person, can reduce benefits as the social security level rises, and can pay little or nothing into a private pension plan for low-income workers.

Legislative Reform of the Private Pension System

Pension reform legislation has been on the congressional docket for the past 2 years. Both

[164] EEOC Determiation issued Aug. 1, 1973.
[165] 29 C.F.R. § 1604.9(F) (1973).
[166] *Proposed Office Of Federal Contract Compliance Sex Dis-Discrimination Guidelines* § 60-20.3, 38 Fed. Reg. 35338 (1973).
[167] Report of the House Committee on Ways and Means, HR. Rep. No. 93-779, 93rd Cong., 2d Sess. (1974).
[168] Int. Rev. Code of 1954, §§ 401(a)4, 401(d)6.

houses have finally passed separate versions of legislation (H.R. 2) which are now in conference. There are substantial differences between the House and Senate bills. The Senate version is generally recognized as the stronger of the two on the provisions that concern women, but the House bill also has some good features not incorporated in the Senate bill. Both versions provide for a mandatory survivor's benefit, which can be waived by the wage earner, and both provide for mandatory reinsurance provisions in the event of termination of the plan. The vesting provisions of each bill differ substantially. The Senate bill provides for 25 percent vesting after 5 years' employment, adding 5 percent for each year for the next 5 years and then 10 percent for the following 5 years, with 100 percent vesting in 15 years. The House version would allow any one of three vesting schedules—the Senate plan, the rule of 45 (50 percent vesting when service years and age total 45 with the remainder vesting in 10 percent increments over the next 5 years), or 100 percent vesting in 10 years with no proportional vesting before 10 years. The Senate version allows voluntary portability for vested benefits and pro rata benefits for workers working more than 20 hours per week or 5 months per year. The House bill has no portability provision and no provision for benefits for part-time workers.

Although H.R. 2 is labeled as legislative "reform," it contains little "reform" for working women or widows. The bill does not prohibit sex discrimination; continuous service requirements are not dealt with; the vesting schedules remain unrealistic; there is no protection for the widow of a fully vested employee who dies before minimum retirement age; the wife's benefits can be waived by her husband, etc. Effective reform of the private pension system remains for the 94th Congress and those that follow.

APPENDIX I

TABLE 8

POPULATION BY SEX AND RACE, 1970

Population Group	*Total*	*Female*	*Male*	*Female % of Total*
Total U.S. Population	203,210,158	104,328,448	98,881,710	51.3
White	178,119,221	91,226,393	86,892,828	51.0
Other than White	25,090,937	13,102,055	11,988,882	52.2
Black	22,539,36	11,817,477	10,721,885	52.0
Native American	760,572	387,058	373,514	50.8
Chinese	433,469	206,306	227,163	47.6
Japanese	586,675	315,749	270,026	53.8
Filipinos	336,823	153,813	183,010	45.6
Others	434,036	221,652	212,384	51.0
*Persons of Spanish Speaking Origin**				
	Total	*Female*	*Male*	*Female as % of Total*
Total Population	9,072,602	4,619,624	4,452,978	50.9
Mexican American	4,532,435	2,287,112	2,245,323	50.4
Puerto Rican	1,429,396	724,458	704,938	50.6
Cubans	544,600	286,516	258,084	52.6
Other Spanish Speaking	2,566,171	1,321,538	1,244,632	51.5

* Spanish speaking origin are evidently included in total white population; therefore, they are shown separately in order to give a break-out for Chicanos, Puerto Ricans, and other Spanish speaking people.

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics* PC(1)–D1, at 596, 597 (1970). (Total United States population, white and other races.)

TABLE 9

AGE DISTRIBUTION BY SEX AND RACE

(Total Population)

Population Group	*Under 19 years*	*20 to 49 years*	*50 to 64 years*	*65 years and over*
Total U.S.	77,211,724	76,170,455	29,726,810	20,101,169
Female	37,947,061	39,142,617	15,573,768	11,665,002
Male	39,264,663	37,027,838	14,153,042	8,436,167
% Female	49.1	51.3	52.3	58.0
White	64,950,191	64,024,893	25,025,845	15,384,521
Female	31,827,270	32,519,797	13,071,680	9,056,673
Male	33,122,921	31,505,096	11,954,165	6,327,848
% Female	49.0	50.7	52.2	58.8
Black	10,410,636	7,928,814	2,612,680	1,587,232
Female	5,205,310	4,307,300	1,409,133	895,734
Male	5,205,326	3,621,514	1,203,547	691,498
% Female	50.0	54.3	53.9	56.4
Native American	373,910	270,138	72,889	43,635
Female	187,230	138,709	38,383	22,736
Male	186,680	131,429	34,506	20,899
% Female	50.0	51.3	52.6	52.1
Chinese	159,602	197,630	49,318	26,889
Female	77,173	95,482	22,018	11,603
Male	82,429	102,148	27,300	15,286
% Female	48.3	48.3	44.6	43.1
Japanese	188,991	278,927	71,869	46,888
Female	92,384	161,255	35,578	26,532
Male	96,607	117,672	36,291	20,356
% Female	48.8	57.8	49.5	56.5
Filipinos	129,862	148,027	38,015	20,719
Female	62,335	78,659	8,920	3,899
Male	67,527	69,368	29,095	16,820
% Female	48.0	53.1	23.46	18.8

*Persons of Spanish Speaking Origin**

	Under 19 years	*20 to 49 years*	*50 to 64 years*	*65 years and over*
Total U.S.	4,353,156	3,554,399	760,777	404,270
Female	2,160,456	1,845,910	396,751	216,507
Male	2,192,700	1,708,489	364,026	187,763
% Female	49.6	51.9	52.15	53.5
Mexican American	2,325,184	1,670,006	348,662	188,563
Female	1,159,831	852,128	178,216	96,917
Male	1,165,353	817,878	170,446	91,646
% Female	49.8	51.0	51.1	51.4
Puerto Ricans	720,394	585,030	89,792	34,180
Female	352,368	304,967	47,425	19,698
Male	368,026	280,063	42,367	14,482
% Female	48.9	52.1	52.8	57.6
Cubans	193,161	239,068	82,398	33,322
Female	95,583	127,159	47,425	19,698
Male	97,578	111,909	34,973	13,624
% Female	49.4	53.1	57.5	59.1

* Spanish speaking in *Detailed Characteristics* are included in white population; therefore, they are shown separately in order to give a breakdown of Chicanos, Puerto Ricans, and Cubans.
Sources: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1, at 591, 593 (1970); *Persons of Spanish Origin*, PC(2)–1C, at 8 (1970).

TABLE 10

MARITAL STATUS OF WOMEN 14 AND OVER BY RACE

	Total	*Single*	*Total Married*	*Spouse Present*	*Spouse Absent Separated*	*Spouse Absent Other*	*Widowed*	*Divorced*
Total Female Pop.	77,910,094	17,624,105	47,666,431	44,481,843	1,740,328	1,444,260	9,615,280	3,004,278
% Female		22.6%	61.2%	57.1%	2.2%	1.9%	12.3%	3.9%
White Female	68,874,544	15,048,138	42,804,008	40,627,831	995,389	1,180,389	8,463,052	2,559,346
% Female		21.8%	62.1%	59%	1.4%	1.7%	12.3%	3.7%
Black Female	8,121,453	2,327,311	4,302,633	3,343,555	725,688	233,390	1,077,889	413,620
% Female		28.7%	53%	41.2%	8.9%	2.9%	13.3%	5.1%
Spanish Speaking	3,033,463	804,331	1,864.270	1,654,174	128,772	81,324	203,637	134,225
% Female		26.5%	54.5%	54.5%	4.2%	2.7%	7.6%	4.4%

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1,at 648 (1970).

TABLE 11

HEADS OF HOUSEHOLD (WHITE AND BLACK)

	Female Heads	*Male Heads*	*Total Head*
Total Population			
Families	5,539,073	44,010,521	51,168,599
Primary Individual	7,841,873	4,627,249	12,469,122
Total	13,380,946	48,637,770	62,018,716
Percent	21.6	78.4	100
Black			
Families	1,334,203	3,529,198	4,863,401
Primary Individual	761,393	610,921	1,372,313
Total	2,095,595	4,140,119	6,235,714
Percent	33.6	66.4	100
White			
Families	4,138,756	41,631,595	45,770,351
Primary Individual	7,023,229	3,939,856	10,963,085
Total	11,161,985	45,571,451	56,733,436
Percent	19.7	80.3	100

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1, at 658 (1970).

Table 12

SOURCE OF INCOME

Source of Income (figures in thousands)	*Women as percentage of persons receiving income from source*	*Percentage of Female Population*
Wage or Salary Income Number of women—37,818 Number of men—53,668 Median Income women—$3,246 Median Income men—$7,943	41%	35.4%
Nonfarm Self-Employment Number of women—1,995 Number of men—5,906 Median Income women—$880 Median Income men—$5,223	25%	1.9%
Farm Self-Employment Number of women—448 Number of men—2,909 Median Income women—$738 Median Income men—$1,614	13%	.42%
Income Other Than Earnings Number of women—25,716 Number of men—35,544 Median Income women—$1,268 Median Income men—$823	42%	24%

Table 12

SOURCE OF INCOME (cont.)

Source of Income (figures in thousands)	*Women as percentage of persons receiving income from source*	*Percentage of Female Population*
Social Security and Government Railroad Retirement Number of women—12,267 Number of men—9,496 Median Income women—$1,345 Median Income men—$2,017	56%	11.5%
Dividends, Interest, Net Rental Income, Income from Estates or Trusts, and Net Royalties Number of women—11,749 Number of men—24,767 Median Income women—$384 Median Income men—$366	32%	11%
Public Assistance and Welfare Payments Number of women—3,982 Number of men—1,498 Median Income women—$1,243 Median Income men—$933	73%	3.7%
Unemployment and Workmen's Compensation, Government Employee Pensions and Veterans Assistance Number of women—3,442 Number of men—8,313 Median Income women—$828 Median Income men—$1,018	29%	3.2%
Private Pensions, Annuities, Alimony, etc. Number of women—3,800 Number of men—3,935 Median Income women—$1,151 Median Income men—$1,304	49%	3.5%

Source: U.S. Bureau of the Census, Dep't of Commerce, *Consumer Income*, P-60, No. 90, at 153 (1973).

TABLE 13

FAMILIES BELOW AND ABOVE LOW-INCOME LEVEL, BY TYPE OF INCOME AND SEX OF HEAD, 1971

Type of Income	All Families			Families, Male Head			Families, Female Head		
	Total	Below low-income level	Above low-income level	Total	Below low-income level	Above low-income level	Total	Below low-income level	Above low-income level
					Percent				
Earnings	90.4	64.0	93.3	92.4	73.0	93.8	75.7	50.4	88.7
Wages or Salary	85.4	55.5	88.7	87.0	60.4	89.0	73.4	48.0	86.5
Self-employed	8.8	1.4	8.9	9.1	1.8	9.3	3.3	0.9	3.7
Income other than earnings	64.6	67.3	64.3	62.6	58.2	63.0	79.4	81.2	78.4
Social Security and Gov. railroad retirement	19.9	26.5	19.2	18.1	30.4	17.2	33.7	20.6	40.4
Dividends, interest, and rent	41.4	11.5	44.8	43.5	14.4	45.7	25.7	7.1	35.2
Public assist. income	6.6	33.9	3.6	3.5	19.6	2.4	29.7	55.8	16.4
Other transfer payments*	17.0	9.5	17.9	17.4	12.1	17.8	14.3	5.6	18.7
Private pensions, alimony, and annuities	9.6	8.5	9.7	8.2	3.4	8.6	20.0	16.4	21.9
No income	0.3	3.0	—	0.1	1.8	—	1.7	4.9	—
Total income bil. dol.	617	12.5	604.8	578	7.9	569.9	40	4.6	34.9

* Unemployment and workmen's compensation, government employee pensions, and veterans' payments.
Source: Bureau of the Census, U.S. Dep't of Commerce, *Statistical Abstract of the United States* at 339 (94th Ed. 1973).

TABLE 14

MEDIAN INCOME OF PERSONS 14 YEARS OLD AND OVER BY TYPE OF INCOME, RACE, AND SEX, 1972

(Dollars)

Source	Women			Men		
	White	*Black*	*Black & Other**	*White*	*Black*	*Black & Other**
Wage or Salary	3,263	3,067	3,153	8,289	5,462	5,544
Nonfarm Self-Employment	828	1,227	1,652	5,369	3,707	3,706
Farm Self-Employment	805	x	x	1,762	427	440
Income Other than Earnings	1,262	1,319	1,297	792	1,142	1,141
Social Security and Gov't Railroad Retirement	1,373	1,083	1,100	2,059	1,492	1,553
Dividends, Interest, Net Rental Income from Estates or Trusts, and Net Royalties	389	287	290	367	319	337
Public Assistance and Welfare Payments	1,189	1,308	1,325	931	920	935
Pensions, Annuities, Alimony	1,191	843	841	1,326	924	992
Unemployment and Workmen's Compensation, Gov't Employee Pension and Veterans Payments	831	826	795	1,013	1,078	1,061

x Base too small, therefore not computed by census.
* Data are provided for black and for the total of black and other races (Asian Americans and Native Americans, for example)
Source: U.S. Bureau of the Census, Dep't of Commerce, *Consumer Income*, P-60, No. 90, at 151 (1973).

TABLE 15

INCOME IN 1969 BY FAMILY STATUS, RACE, AND SEX

	Median Income	Number Families or Persons
All U.S., total families: 51,168,599		
Male Head:	$11,504	45,629,526
Wife in labor force	12,865	17,302,129
Wife not in labor force	10,736	26,708,392
Female Head:	6,205	5,539,073
In labor force	7,288	3,084,104
Not in labor force	4,844	2,454,969
Unrelated individuals:	3,865	18,696,505
Male	4,607	8,226,000
Female	3,282	10,470,505
White, total families: 45,770,351		
Male Head:	$11,799	41,631,595
Wife in labor force	13,186	15,423,405
Wife not in labor force	11,028	24,849,080
Female Head:	6,815	4,138,756
In labor force	7,867	2,346,134
Not in labor force	5,437	1,792,622
Unrelated individuals:	4,004	16,297,908
Male	4,800	6,994,150
Female	3,405	9,303,758
Black, total families: 4,863,401		
Male Head:	$ 8,072	3,529,198
Wife in labor force	9,857	1,678,167
Wife not in labor force	6,427	1,616,040
Female Head:	4,335	1,334,203
In labor force	5,351	703,654
Not in labor force	3,201	630,549
Unrelated individuals:	2,867	2,122,062
Male	3,497	1,064,871
Female	2,232	1,057,191
Spanish Speaking Americans, total families: 2,039,085		
Male Head:	$ 9,192	1,760,129
Wife in labor force	11,105	591,092
Wife not in labor force	8,273	1,094,458
Female Head:	4,501	278,596
In labor force	5,953	123,595
Not in labor force	3,346	155,361
Unrelated individuals:	3,309	474,503
Male	3,813	273,915
Female	2,619	200,588

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1 at 873 (1970).

TABLE 16

MEDIAN EARNINGS BY SEX, RACE, AND AGE, PERSONS WHO WORKED YEAR-ROUND IN 1969

	Age Groups							
	25–34		35–54		55–64		25–66	
Race/Ethnicity	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*
Black	$3,663	$5,893	$3,294	$5,978	$2,517	$5,051	$3,280	$5,809
White	4,128	8,428	4,172	9,392	4,312	8,145	4,190	8,870

Source: U.S. Bureau of the Census, Dep't of Commerce, *Earnings by Occupation and Education*, PC(2) 8B (1970).
Table 1 at 1. Earnings and Occupation of Total and White Males 25 to 64 Years Old in the Experienced Civilian Labor Force with Earnings in 1969, Years of School Completed, and Age: 1970.
Table 2 at 127. Earnings and Occupation of Negro and Spanish Origin Males 25 to 64 Years Old in the Experienced Civilian Labor Force with Earnings in 1969, by Work Experience in 1969, Years of School Completed: 1970.
Table 7 at 242. Earnings and Occupation of Females/Males 25 to 64 Years Old in the Experienced Civilian Labor Force with Earnings in 1969, by Work Experience in 1969, Years of School Completed, and Age: 1970.
Table 8 at 310. Earnings and Occupation of Negro and Spanish-Origin Females 25 to 64 Years Old in the Experienced Civilian Labor Force with Earnings in 1969, by Work Experience in 1969, Years of School Completed, and Age: 1970.

TABLE 17

MEDIAN EARNINGS BY SEX, ETHNICITY, AND AGE, PERSONS WHO WORKED YEAR-ROUND IN 1969

(Dollars)

Race/Ethnicity	Age Groups													
	16–19		20–24		25–34		35–44		45–64		65 & Over		16 yrs. & over	
	W	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*
Puerto Rican	1,379	1,426	2,997	3,977	3,268	5,686	3,460	5,944	2,969	5,471	1,363	2,227	2,938	5,105
Mexican American	813	954	2,092	3,427	2,615	6,089	2,723	6,624	2,049	5,438	1,201	1,877	1,892	4,735
Cubans	947	994	2,928	4,053	3,326	6,786	3,542	6,484	3,036	5,614	796	1,993	2,825	5,532
Native Americans	725	810	1,708	2,619	2,445	5,135	2,521	5,378	1,867	4,370	1,162	1,654	1,697	3,509
Filipino	809	936	2,977	2,857	4,496	5,897	4,110	6,968	3,558	5,973	1,130	2,528	3,513	5,019
Chinese	856	916	1,889	1,985	4,090	6,887	3,988	8,643	3,464	6,904	1,188	1,943	2,686	5,223
Japanese	770	950	2,448	2,639	4,893	8,316	4,189	10,515	4,192	9,344	1,312	2,482	3,236	7,574

Sources: U.S. Bureau of the Census, Dep't of Commerce, *Puerto Ricans in the United States*, PC(2)–1E at 54 (1970); *Persons of Spanish Origin*, PC(2)–1C at 75 and 84 (1970); *American Indians*, PC(2)–1F at 86 (1970); *Japanese, Chinese and Filipinos in the United States*, PC(2)–1G at 30, 86, and 142 (1970).

TABLE 18

MEDIAN INCOME BY EDUCATION, RACE, AND SEX, 1969*

(Dollars)

Educational Attainment	Women			Men		
	White	*Black*	*Spanish Origin*	*White*	*Black*	*Spanish Origin*
Elementary School						
Less than 5 years	1,291	1,046	1,499	2,746	2,214	3,480
5 to 7 years	1,519	1,402	1,943	4,402	3,551	4,751
8 years	1,703	1,707	2,178	5,458	4,232	5,382
High School						
1 to 3 years	2,264	2,177	2,216	6,757	4,577	5,472
4 years	3,129	3,082	3,072	7,693	5,444	6,430
College						
1 to 3 years	2,767	3,409	3,186	7,344	5,744	6,785
4 years	4,803	6,085	4,669	11,374	7,608	9,532
5 years or more	7,145	8,019	6,231	12,852	9,897	111,137

* Persons 18 years old and over.
Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1, at 861–863 (1970).

TABLE 19

FEMALE-HEADED FAMILIES BELOW LOW-INCOME LEVEL, BY RACE

Female-headed families	*White*			*Black*		
		Below low-income level			*Below low-income level*	
	Total	*Number*	*Percent of total*	*Total*	*Number*	*Percent of total*
Total	4,489,000	1,191,000	26.5	1,642,000	879,000	53.5
With related children under 18 years	2,664,000	982,000	36.9	1,369,000	821,000	60.0
Number of children:						
1	1,082,000	297,000	27.4	429,000	211,000	49.2
2	807,000	265,000	32.8	355,000	182,000	51.3
3	442,000	202,000	45.7	233,000	168,000	72.1
4	189,000	105,000	55.6	143,000	102,000	71.3
5	74,000	56,000	75.7	84,000	64,000	76.2
6 or more	70,000	57,000	81.4	125,000	94,000	75.2
Without related children under 18 years	1,825,000	209,000	11.5	272,000	59,000	21.7

Source: U.S. Women's Bureau, Dep't of Labor, *Facts About Women Heads of Households and Heads of Families* (1971).

TABLE 20

1969 MEDIAN INCOME FOR HEADS OF FAMILIES

Race/Ethnicity	*No. of Families*	*Median Income*	*No. of Female-Headed Families*	*Median Income*	*No. of Female-Headed Families in Poverty*	*Percentage of Female-Headed Families in Poverty*
Chinese	94,931	$10,610	6,345	$6,627	1,290	20%
Cuban	138,765	8,529	17,099	4,774	5,215	31
Filipino	71,326	9,318	6,119	4,708	131	2.1
Japanese	133,927	12,515	13,827	6,467	3,412	25
Mexican American	923,610	6,962	123,850	3,483	62,611	51
Native American	149,122	5,832	27,465	3,198	15,287	56
Puerto Rican	326,460	6,115	78,550	3,227	45,189	57

Sources: Special Census Reports on: Puerto Ricans, Persons of Spanish Origin, Japanese, Chinese, Filipino, Native American

TABLE 21

WOMEN AS A PERCENTAGE OF TOTAL EMPLOYED IN SELECTED OCCUPATIONS, 1962, 1966, AND 1970

(Annual Averages)

Occupation group and selected occupations	1970	1966	1962
Total	38	36	34
Professional, technical, and kindred workers	39	38	36
College professors and instructors	25	26	20
Editors and reporters	41	46	38
Lawyers and judges	4	3	3
Librarians	89	91	86
Nurses (professional)	98	98	99
Personnel and labor relations	33	33	27
Physicians and surgeons	7	9	6
Social scientists	29	28	25
Teachers (elementary)	84	88	86
Technicians	33	31	35
Medical, dental, electric, electronic	46	44	37
Other engineering and physical sciences	14	14	11
Managers, officials, and proprietors, except farm	16	16	15
Managers and building superintendents	47	49	44
Buyers and department heads, stores	25	24	27
Clerical and kindred workers	75	71	69
Bank tellers	87	84	72
Bookkeepers	90	88	85
File clerks	88	87	84
Payroll and time clerks	70	67	62
Postal clerks	28	21	15
Shipping and receiving clerks	14	12	8
Stenographers	94	98	94
Telephone operators	96	98	96
Typists	97	97	95
Sales workers	43	40	39
Insurance agents and brokers	11	13	10
Real estate agents and brokers	38	31	29
Craftsmen, foremen, and kindred workers	3	3	3
Mechanics and repairmen	1	1	1
Painters, construction and maintenance	3	2	3
Operatives and kindred workers	31	30	28
Assemblers, manufacturing	53	49	47
Bus drivers	30	17	12
Checkers, examiners, manufacturing	49	49	45
Service workers, except private household	60	55	54
Attendants, hospitals and other institutions	84	83	75
Bartenders	24	16	11
Counter and fountain workers	78	71	68
Hairdressers and cosmetologists	92	90	88
Farm laborers, unpaid family workers	67	59	57

Source: U.S. Bureau of Labor Statistics, Dep't of Labor, August 1971.

TABLE 22

OCCUPATIONS OF WOMEN, BY RACE, 1970*

Occupation	*Total*	*White*	*Black*	*Spanish Heritage*
Total women employed	28,929,845	25,252,734	3,309,080	989,810
Professional and technical workers	4,549,927	4,110,060	373,713	94,589
	15.7%	16.3%	11.3%	9.6%
Salesworkers	2,140,994	2,037,977	84,103	58,990
	7.4%	8.1%	2.5%	6.0%
Clerical and kindred workers	10,104,508	9,308,904	684,310	297,055
	34.9%	36.7%	20.7%	30.0%
Operatives (except transportation equipment)	4,014,214	3,421,862	533,160	234,399
	13.9%	13.5%	16.1%	23.7%
Service workers, except household	4,789,362	3,877,059	843,018	183,030
	16.6%	15.3%	25.5%	18.5%
Private household workers	1,113,909	506,896	592,226	40,080
	3.8%	2.0%	17.9%	4.0%

Source: U.S. Bureau of the Census, Dep't of Commerce, *We the American Women* 6 (1974).
* Employed women 16 years old and over.

TABLE 23

EMPLOYED PERSONS BY MAJOR OCCUPATION GROUP AND SEX, 1950 AND 1970

Major occupation group	Employed persons (thousands)		Percent Change, 1950–70	Percent of total	
	1950	1970		1950	1970
MEN					
Professional and technical workers	2,696	6,890	+155.6	6.4	14.2
Managers, officials, and proprietors	5,439	6,896	+ 26.8	12.9	14.2
Clerical workers	3,035	3,497	+ 15.2	7.2	7.2
Sales workers	2,379	2,724	+ 14.5	5.6	5.6
Craftsmen and foremen	7,482	9,737	+ 30.1	17.7	20.0
Operatives	8,810	9,539	+ 8.3	20.9	19.6
Nonfarm laborers	3,435	3,499	+ 1.9	8.1	7.2
Private household workers	125	26	− 79.2	0.3	0.1
Other service workers	2,560	3,185	+ 24.4	6.1	6.5
Farmworkers	6,196	2,692	− 56.6	14.7	5.5
Total men	42,156	48,686	+ 15.3	100.0	100.0
WOMEN					
Professional and technical workers	1,794	4,431	+147.0	10.3	14.9
Managers, officials, and proprietors	990	1,301	+ 31.4	5.7	4.4
Clerical workers	4,597	10,337	+124.9	26.3	34.8
Sales workers	1,443	1,990	+ 37.9	8.2	6.7
Craftswomen and forewomen	188	290	+ 54.3	1.1	1.0
Operatives	3,336	4,272	+ 28.1	19.1	14.4
Nonfarm laborers	84	115	+ 36.9	0.5	0.4
Private household workers	1,758	1,559	− 11.3	10.0	5.2
Other service workers	2,092	4,954	+136.8	12.0	16.7
Farmworkers	1,212	472	− 61.1	6.9	1.6
Total women	17,493	29,722	+ 69.6	100.0	100.0

Source: U.S. Bureau of the Census, Dep't of Commerce, *Statistical Abstract of the United States*, 225 (91st ed., 1970).

TABLE 24

INDUSTRY OF EMPLOYED PERSONS BY RACE AND SEX, 1970

	Number						% Distribution					
	Total		Black		Spanish Heritage		Total		Black		Spanish Heritage	
	M	F	M	F	M	F	M	F	M	F	M	F
Total employed 16 and over	47,623,754	28,929,845	4,052,063	3,309,080	1,897,053	989,810	100%	100%	100%	100%	100%	100%
Industry:												
Agriculture, forestry and fisheries	2,521,048	319,440	216,290	46,760	141,152	23,415	5.29	1.10	5.34	1.41	7.44	2.37
Mining	580,459	50,329	20,898	1,806	27,344	1,746	1.22	0.17	0.52	0.05	1.44	0.18
Construction	4,304,999	267,236	380,051	12,598	167,180	6,703	9.04	0.92	9.38	0.38	8.81	0.68
Manufacturing	14,173,549	5,663,659	1,272,441	518,082	540,671	245,682	29.76	19.58	31.40	15.66	28.50	24.82
Transportation, communications, and other public utilities	4,071,956	1,114,145	400,318	99,040	150,841	33,025	8.55	3.85	9.88	2.99	7.95	3.34
Wholesale trade	2,397,314	736,068	166,043	43,193	97,464	32,760	5.03	2.54	4.10	1.31	5.14	3.31
Retail trade	6,641,941	5,597,557	446,156	361,524	279,885	176,654	13.95	19.35	11.01	10.93	14.75	17.85
Finance, insurance, and real estate	1,924,970	1,913,417	106,646	116,088	57,564	60,834	4.04	6.61	2.63	3.51	3.03	6.15
Business and repair services	1,718,551	676,336	137,706	53,789	77,730	23,079	3.61	2.34	3.40	1.63	4.10	2.33
Personal Services	1,006,792	2,529,784	158,580	825,599	61,262	110,138	2.11	8.74	3.91	24.95	3.23	11.13
Entertainment and recreation services	406,584	224,609	37,283	15,092	19,582	7,210	0.85	0.78	0.92	0.46	1.03	0.73
Professional and related services (health, legal, education, etc.)	4,954,240	8,556,964	415,277	1,021,474	160,089	228,971	10.40	29.58	10.25	30.87	8.44	23.13
Public Administration	2,921,351	1,280,301	294,374	194,035	116,294	39,593	6.13	4.43	7.26	5.86	6.13	4.00

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1 at 1–c.1 *et seq.* (1970).

TABLE 25

WOMEN EMPLOYEES IN SELECTED INDUSTRIES, 1965 AND 1972

(Annual Averages)

Industry Group	1965		1972	
	Percent of Industry Group	*Percent of Total Employment*	*Percent of Industrial Group*	*Percent of Total Employment*
Total	34	34	37	37
Manufacturing	26	8	28	7
Mining	5	less than 0.5	6	less than 0.5
Contract construction	5	less than 0.5	5	less than 0.5
Transportation and public utilities	19	1	21	1
Wholesale trade	22	1	23	1
Retail trade	44	7	45	7
Finance, insurance, and real estate	50	2	52	3
Services	51	8	54	9
Government	39	7	43	8

Source: U.S. Bureau of the Census, Dep't of Commerce, *Statistical Abstract of the United States 1973*, table No. 357 at 223.

TABLE 26

INDUSTRY AND OCCUPATION OF LONGEST JOB, CIVILIAN WORKERS 14 YEARS OLD AND OVER BY SEX, 1972

Major Industry group, all workers	*Women*		*Men*	
	Number (1000's)	*Number with earnings (1000's)*	*Number (1000's)*	*Number with earnings (1000's)*
TOTAL	40,723	39,470	58,194	57,774
Agriculture, forestry and fisheries:	1,335	887	3,942	3,720
Mining:	84	83	641	637
Construction:	377	330	5,776	5,754
Professional & managerial	20	18	702	701
Clerical & sales	290	249	150	148
Crafts & operatives	42	42	3,799	3,788
Manufacturing:	6,951	6,908	15,820	15,814
Professional & managerial	321	318	2,874	2,872
Clerical & sales	1,776	1,755	1,344	1,343
Crafts & operatives	4,654	4,641	10,072	10,069

64

TABLE 26

INDUSTRY AND OCCUPATION OF LONGEST JOB, CIVILIAN WORKERS 14 YEARS OLD AND OVER BY SEX, 1972—(Cont)

Major Industry group, all workers	Women		Men	
	Number (1000's)	Number with earnings (1000's)	Number (1000's)	Number with earnings (1000's)
TOTAL	40,723	39,470	58,194	57,774
Transportation, communications & other public utilities:	1,225	1,198	4,578	4,567
Professional & managerial	91	91	779	776
Clerical & sales	929	905	480	480
Crafts & operatives	140	138	2,658	2,656
Wholesale trade:	902	866	2,820	2,808
Professional & managerial	82	81	749	749
Clerical & sales	654	624	1,003	1,003
Crafts & operatives	129	125	780	775
Retail trade:	8,423	8,026	8,681	8,589
Professional & managerial	754	724	2,214	2,212
Clerical & sales	4,718	4,443	1,857	1,816
Crafts & operatives	374	359	2,375	2,355
Finance, insurance & real estate:	2,549	2,505	2,369	2,362
Professional & managerial	287	286	800	795
Clerical & sales	2,146	2,110	1,238	1,237
Crafts & operatives	13	9	76	74
Personnel services:				
Professional & managerial	4,350	4,292	1,352	1,342
Clerical & sales	343	319	61	58
Crafts & operatives	303	298	198	198
Entertainment & recreational services:	458	449	735	730
Professional & related services:	11,378	11,299	6,032	6,019
Professional & managerial	4,932	4,918	3,985	3,979
Clerical & sales	3,084	3,042	294	289
Crafts & operatives	166	164	458	458
Public administration:	1,586	1,586	3,353	3,353
Professional & managerial	308	308	1,158	1,158
Clerical & sales	1,137	1,137	764	764
Crafts & operatives	21	21	414	414
Business & repair services:	1,104	1,038	2,093	2,078
Professional & managerial	184	183	476	476
Clerical & sales	603	641	173	173
Crafts & operatives	103	96	1,037	1,024

Source: U.S. Bureau of the Census, Dep't of Commerce, *Consumer Income: Characteristics of the Low Income Population, 1971*, Series P-60, No. 90 at 140.

TABLE 27

WOMEN IN LABOR FORCE, BY AGE

Age Group	*Percentage in Labor Force in 1972*
16 and 17	37
18 and 19	56
20 to 24	59
25 to 34	58
34 to 44	52
45 to 54	54
55 to 64	42
65 and older	9
TOTAL:	
18 to 64	51

Note: Each figure represents the percentage of working women in that age group; i.e., of all women 16–17 years old, 37 percent are in the labor force.
Source: U.S. Women's Bureau, Employment Standards Administration, Dep't of Labor, *Women Workers Today* 2 (1973).

TABLE 28

PERCENTAGE OF WOMEN IN LABOR FORCE, BY AGE, 1970

Age:	16–19	20	21	22	23	24
Percent:	34.9	55.7	56.2	58.1	56.8	52.9
Age:	25–29	30–34	35–39	40–44		
Percent:	45.4	44.2	48.3	52.1		
Age:	45–49	50–54	55–59	60–64		
Percent:	53.0	52.0	47.4	36.1		
Age:	65–69	70–74	75–79	80–84		
Percent:	17.2	9.1	5.5	3.5		
Age:	85 & Over					
Percent:	4.6					

Total (16 years and over): 41.4%

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics* PC(1)–D1 at 1635 (1970).

TABLE 29

PERCENTAGE OF WOMEN IN LABOR FORCE BY MARITAL STATUS, 1972

Marital Status	*Percent in Labor Force in 1972*
Single	55
Married with husband present	41
Divorced or Separated	62
Widowed	27

Note: The figures given above represent the percentage of women in the labor force from each group, i.e., 55 percent of all single women were in the total labor force in 1972.
Source: U.S. Women's Bureau, Dep't of Labor, *Women Workers Today* 2 (1973).

TABLE 30

SELECTED CHARACTERISTICS OF WOMEN IN THE LABOR FORCE, BY MARITAL STATUS, MARCH 1971

(Number of women 16 years and over, in thousands)

Characteristics	All women							Negro and other races						
				Other marital status							Other marital status			
	Total	Never married	Married, husband present	Total	Widowed	Divorced	Husband absent	Total	Never Married	husband present	Total	Widow	Divorced	Husband absent
Population	74,580	13,632	45,443	15,505	9,788	2,829	2,888	8,365	2,062	3,760	2,543	1,124	435	984
In labor force	31,681	7,187	18,530	5,964	2,516	1,992	1,456	4,007	937	1,975	1,995	312	295	488
As percent of population	42.5	52.7	40.8	38.5	25.7	70.4	50.4	47.9	45.4	52.5	43.1	27.8	67.8	49.6
Median age	38	22	41	49	58	42	37	36	23	39	44	55	41	37
Employed	29,515	6,488	17,445	5,582	2,423	1,852	1,307	3,596	769	1,823	1,004	301	277	426
Median age	39	22	41	50	58	43	38	37	24	39	45	55	42	36
Unemployed	2,166	699	1,085	382	93	140	149	411	168	152	91	11	15	62
As percent of labor force	6.8	9.7	5.9	6.4	3.7	7.0	10.2	10.3	17.9	7.7	8.3	3.5	6.1	12.7
Average duration (weeks)	10.9	10.9	10.3	2.6	2.2		3.2	10.9	12.4	8.1	3.0	(1)		(1)
Median age	27	19	33	40	57	39	32	25	20	30	36	56	30	35
AGE	Labor force participation rate													
16 to 19 years	39.4	39.6	37.0	44.1	(1)	(1)	44.7	28.1	28.7	30.1	(1)	(1)	(1)	(1)
20 to 24 years	56.1	69.1	47.0	59.9	(1)	74.3	53.0	55.2	57.0	52.7	56.1	—	(1)	58.3
25 to 34 years	45.8	77.6	39.9	60.9	45.1	76.4	48.6	60.0	67.1	59.4	55.6	(1)	72.9	30.2
35 to 44 years	51.5	72.8	47.6	67.9	60.1	79.9	57.2	61.0	59.1	60.0	61.6	56.4	73.0	58.7
45 to 54 years	53.5	74.1	48.9	68.4	67.6	76.8	58.6	57.0	(1)	55.1	58.5	56.6	72.3	58.8
55 to 44 years	43.5	65.2	36.7	53.9	52.0	67.5	48.4	44.2	(1)	46.4	42.0	38.3	(1)	48.9
65 years and over	9.0	17.4	7.4	8.9	8.5	21.3	7.1	10.1	(1)	10.0	9.8	9.6	(1)	(1)
	Percent distribution													
Employed: Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Full time[2]	71.4	65.7	71.1	78.8	70.3	88.2	81.4	73.7	70.1	74.9	74.2	57.7	84.8	78.1
Part time[2]	28.6	34.3	28.9	21.2	29.7	11.8	18.6	26.3	29.9	25.1	25.8	42.3	15.2	20.9
Full time, total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
White collar	64.0	73.2	63.5	56.4	56.0	67.2	48.0	43.0	48.1	45.7	34.3	21.4	44.4	33.9
Blue collar	18.4	12.5	20.1	19.3	16.1	17.3	24.5	21.0	18.7	21.4	22.1	23.1	15.8	23.8
Service	16.8	14.0	15.4	23.7	25.1	19.8	27.4	35.2	32.6	32.2	42.7	55.5	34.2	42.0
Private household	2.3	3.1	1.3	4.4	5.7	3.0	4.6	7.0	9.6	5.1	12.0	22.0	3.5	9.2
Other	14.5	10.8	14.2	19.2	19.4	16.8	22.8	27.3	23.0	27.1	30.7	33.5	25.6	32.7
Farm	.8	.4	1.1	.6	.8	.7	.1	.8	.6	.7	.9	—	2.6	.3
Part-time, total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	(1)	100.0
White collar	52.9	51.8	57.8	34.2	37.6	31.2	26.9	24.0	47.8	20.5	8.9	7.1	—	13.5
Blue collar	7.2	5.1	7.9	8.7	8.1	9.2	9.4	5.2	5.2	6.8	2.3	1.6	—	3.4
Service	37.6	41.9	31.9	54.2	50.6	58.7	61.1	70.1	46.5	72.1	87.6	90.6	—	82.0
Private household	13.1	16.4	8.6	26.0	25.0	25.2	29.9	45.3	17.8	49.1	63.2	64.6	—	57.3
Other	24.5	25.5	23.3	28.2	25.6	33.5	31.2	24.7	28.7	22.9	24.4	26.0	—	24.7
Farm	2.2	1.3	2.4	2.8	3.5	.9	2.6	.7	.4	.7	1.2	.6	—	1.1

[1] Figures not shown where base is less than 75,000.

[2] Full-time workers are women who during the survey week worked 35 hours or more and those who usually work full time but worked 1 to 34 hours. Part-time workers are persons who usually work 1 to 34 hours and worked 1 to 34 hours during the survey week. Persons with a job but not at work are classified according to whether they usually work full or part time.

Source: U.S. Bureau of Labor Statistics, Dep't of Labor, *Demographic, Social and Economic Statistics on Women* at table 1 (1971).

TABLE 31

LABOR FORCE PARTICIPATION RATES OF MEN AND WOMEN, 1961 AND 1971*

	Women			Men		
	April 1951	March 1961	March 1971	April 1951	March 1961	March 1971
Total, 20 years and over in population (in thousands)	51,022	57,394	67,033	47,430	52,867	60,179
Labor force participation rate	33.1	38.3	42.8	86.8	84.9	80.6
Married, Spouse Present						
Population, 20 years and over (in thousands)	35,258	39,703	44,577	35,876	40,343	45,168
Labor force participation rate	25.4	32.8	40.8	91.6	89.3	85.9
20 to 24 years	29.1	32.4	47.0	95.6	97.4	94.8
25 to 34 years	25.6	29.2	39.9	93.2	99.0	97.8
35 to 44 years	30.5	38.4	47.6	98.4	98.6	97.9
45 to 54 years	**	42.4	48.9	**	97.0	96.0
55 to 64 years	**	29.3	36.7	**	89.1	85.1
65 years and over	6.5	7.3	7.4	50.9	37.6	27.8
Never Married						
Population, 20 years and over (in thousands)	5,492	5,288	7,103	7,128	7,716	9,371
Labor force participation rate	70.6	70.2	64.8	77.7	78.2	70.4
20 to 24 years	75.6	76.5	69.1	77.1	76.3	68.5
25 to 34 years	82.0	79.9	77.6	84.3	87.5	84.4
35 to 44 years	81.7	77.5	72.8	83.0	88.2	79.3
45 to 54 years	**	81.8	74.1	**	82.6	76.8
55 to 64 years	**	68.6	65.2	**	69.0	57.9
65 years and over	18.9	20.8	17.4	36.8	23.0	21.4
Widowed, Divorced, and Separated						
Population, 20 years and over (in thousands)	10,272	12,403	15,353	4,426	4,802	5,640
Labor force participation rate	39.3	42.0	38.4	62.1	58.5	54.9
20 to 24 years	45.3	58.5	59.9	81.7	81.0	84.6
25 to 34 years	56.7	61.5	60.9	81.8	81.3	83.9
35 to 44 years	69.0	72.2	67.9	87.4	81.6	80.6
45 to 54 years	**	69.9	68.4	*	83.1	77.6
55 to 64 years	**	51.5	53.9	*	73.1	63.7
65 years and over	9.2	12.0	8.9	27.6	21.2	13.0

* 20 years and over.
** Data not available.
Source: U.S. Bureau of Labor Statistics, Dep't of Labor, August 1971.

TABLE 32

WOMEN IN THE LABOR FORCE BY MARITAL STATUS, RACE, AND PRESENCE OF CHILDREN

		Total Married, Husband Present		
	All Women 16 and Over	*Total*	*With Own Children Under 6*	*With Own Children 6 to 17 only*
All women	41.4	39.2	28.2	47.1
White women	40.6	38.2	26.1	46.2
Black women	47.5	50.7	48.1	58.4
Spanish speaking women	38.1	34.9	27.2	41.4

Source: U.S. Bureau of the Census, Dep't of Commerce, *Detailed Characteristics*, PC(1)–D1 at 1636 (1970).

TABLE 33

POPULATION OF COOK COUNTY BY MARITAL STATUS AND SEX*

Category	Total Male and Female	Male	Female	Female as % of category
Single	1,353,922	718,328	635,594	47%
Married	3,152,729	1,561,348	1,591,381	50
Separated**	120,680	42,705	77,975	65
Widowed	406,462	77,474	328,988	81
Divorced	184,658	70,689	113,969	62
TOTAL	5,097,771	2,470,544	2,749,907	

* Persons 14 years old and over.
** "Separated" is a subcategory of married and does not count separately toward total.
Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43 (1972).

TABLE 34

POPULATION OF COOK COUNTY, BY SEX AND RACE

	Total	Female	Male	% Female
Total Population	6,978,947	3,595,775	3,383,172	52%
Black	1,230,919	649,652	578,686	53%
Spanish Speaking	327,168	161,128	166,040	49%

Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago Ill., SMSA*, PHC(1)–43 at tables P–5, P–7 (1970).

TABLE 35

POPULATION OF COOK COUNTY OVER 65, BY RACE AND SEX

	Total	Female	Male	% Female
Total Population over 65	616,592	363,615	252,977	59%
Spanish Speaking	7,188	3,522	3,666	49%
Black	66,933	37,376	29,557	56%
White	542,471	322,717	219,754	60%

Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43 at tables P–1, P–5, P–7 (1972).

TABLE 36

TOTAL BLACK AND SPANISH SPEAKING POPULATIONS, CHICAGO SMSA, BY AGE AND SEX, 1970

RACE—Total Population	
All persons	6,978,947
White	5,672,570
Negro	1,230,919
Percent Negro	17.6
AGE BY SEX	
Male, all ages	3,383,172
Under 5 years	306,081
3 and 4 years	126,082
5 to 9 years	354,943
5 years	67,858
6 years	69,497
10 to 14 years	364,425
14 years	70,116
15 to 19 years	310,875
15 years	68,540
16 years	64,393
17 years	64,489
18 years	59,112
19 years	54,341
20 to 24 years	240,851
20 years	48,552
21 years	43,719
25 to 34 years	440,846
35 to 44 years	403,911
45 to 54 years	402,589
55 to 59 years	169,812
60 to 64 years	135,862
65 to 74 years	167,583
75 years and over	85,394
Female, all ages	3,595,775
Under 5 years	295,821
3 and 4 years	121,269
5 to 9 years	343,107
5 years	65,848
6 years	67,383
10 to 14 years	354,954
14 years	68,039
15 to 19 years	303,272
15 years	67,148
16 years	63,413
17 years	62,291
18 years	55,972
19 years	54,448
20 to 24 years	282,713
20 years	55,695
21 years	55,202
25 to 34 years	464,381
35 to 44 years	417,672
45 to 54 years	428,943
55 to 59 years	186,953
60 to 64 years	154,244
65 to 74 years	222,807
75 years and over	140,808

AGE BY SEX—Black Population	Total SMSA
Male, all ages	578,686
Under 5 years	66,444
3 and 4 years	27,877
5 to 9 years	77,547
5 years	15,154
6 years	15,080
10 to 14 years	78,757
14 years	15,468
15 to 19 years	58,354
15 years	14,553
16 years	12,434
17 years	11,948
18 years	10,151
19 years	9,268
20 to 24 years	38,982
20 years	8,205
21 years	7,701
25 to 34 years	74,232
35 to 44 years	66,589
45 to 54 years	52,615
55 to 59 years	19,862
60 to 64 years	15,747
65 to 74 years	21,178
75 years and over	8,379
Female, all ages	649,652
Under 5 years	67,015
3 and 4 years	27,517
5 to 9 years	77,912
5 years	14,710
6 years	15,170
10 to 14 years	78,920
14 years	15,287
15 to 19 years	62,861
15 years	14,335
16 years	13,518
17 years	12,182
18 years	11,195
19 years	11,631
20 to 24 years	53,675
20 years	11,620
21 years	10,797
25 to 34 years	92,251
35 to 44 years	79,389
45 to 54 years	59,255
55 to 59 years	21,808
60 to 64 years	19,190
65 to 74 years	25,377
75 years and over	11,999

AGE BY SEX—Spanish Population	Total SMSA
Male, all ages	166,040
Under 5 years	23,611
3 and 4 years	9,063
5 to 9 years	23,045
5 years	4,522
6 years	4,633
10 to 14 years	20,120
14 years	3,689
15 to 19 years	15,592
15 years	3,393
16 years	3,099
17 years	3,013
18 years	3,023
19 years	3,064
20 to 24 years	13,847
20 years	2,619
21 years	2,712
25 to 34 years	26,951
35 to 44 years	22,483
45 to 54 years	11,431
55 to 59 years	2,835
60 to 64 years	2,459
65 to 74 years	2,842
75 years and over	824
Female, all ages	161,128
Under 5 years	22,856
3 and 4 years	8,859
5 to 9 years	22,215
5 years	4,506
6 years	4,432
10 to 14 years	19,873
14 years	3,723
15 to 19 years	15,488
15 years	3,328
16 years	3,326
17 years	3,209
18 years	2,756
19 years	2,869
20 to 24 years	16,195
20 years	3,119
21 years	3,103
25 to 34 years	26,186
35 to 44 years	19,755
45 to 54 years	9,721
55 to 59 years	3,109
60 to 64 years	2,208
65 to 74 years	2,443
75 years and over	1,079

TABLE 36

TOTAL BLACK AND SPANISH SPEAKING POPULATIONS, CHICAGO SMSA, BY AGE AND SEX, 1970—(Cont)

Race—Total Population	
RELATIONSHIP TO HEAD OF HOUSEHOLD	
All persons	6,978,947
In households	6,847,980
Head of household	2,183,646
Head of family	1,726,967
Primary individual	456,679
Wife of Head	1,461,890
Other relative of head	3,087,332
Not related to head	115,112
In group quarters	130,967
Persons per household	3.14
TYPE OF FAMILY AND NUMBER OF OWN CHILDREN	
All families	1,726,967
With own children under 18 years	954,716
Number of children	2,282,400
Husband-wife families	1,461,890
With own children under 18 years	826,501
Number of children	1,965,202
Percent of total under 18 years	81.6
Families with other male head	56,702
With own children under 18 years	14,610
Number of children	30,754
Families with female head	208,375
With own children under 18 years	113,605
Number of children	286,444
Percent of total under 18 years	11.9
Persons under 18 years	2,409,605
MARITAL STATUS	
Male, 14 years old and over	2,427,839
Single	718,328
Married	1,561,348
Separated	42,705
Widowed	77,474
Divorced	70,689
Female, 14 years old and over	2,669,932
Single	635,594
Married	1,591,381
Separated	77,975
Widowed	328,988
Divorced	113,969

AGE BY SEX—Black Population	Total SMSA
RELATIONSHIP TO HEAD OF HOUSEHOLD	
All persons	1,228,338
In households	1,210,057
Head of household	348,003
Head of family	271,297
Primary individual	76,706
Wife of head	180,224
Other relative of head	649,110
Not related to head	32,720
In group quarters	18,281
Persons per household	3.48
TYPE OF HOUSEHOLD	
All households	348,003
Male primary individual	37,030
Female primary individual	39,676
Husband-wife households	181,425
Households with other male head	13,200
Households with female head	76,672
SCHOOL ENROLLMENT	
Persons 16 to 21 years old	130,650
Not attending school	64,654
Not high school graduates	33,887
Percent of total	25.9
YEARS OF SCHOOL COMPLETED	
Persons, 25 years old and over	567,871
No school years completed	9,186
Elementary: 1 to 4 years	33,881
5 to 7 years	77,940
8 years	68,736
High school: 1 to 3 years	153,782
4 years	150,613
College: 1 to 3 years	49,998
4 years or more	23,735
Median school completed	10.8
Percent high school graduates	39.5

AGE BY SEX—Spanish Population	Total SMSA
RELATIONSHIP TO HEAD OF HOUSEHOLD	
All persons	327,168
In households	324,879
Head of household	79,759
Head of family	70,248
Primary individual	9,511
Wife of head	59,669
Other relative of head	180,273
Not related to head	5,178
In group quarters	2,289
Persons per household	4.07
TYPE OF HOUSEHOLD	
All households	79,759
Male primary individual	6,947
Female primary individual	2,564
Husband-wife households	59,721
Households with other male head	3,225
Households with female head	7,302
SCHOOL ENROLLMENT	
Persons, 16 to 21 years old	35,912
Not attending school	19,593
Not high school graduates	13,104
Percent of total	36.5
YEARS OF SCHOOL COMPLETED	
Persons, 25 years old and over	134,326
No school years completed	7,401
Elementary: 1 to 4 years	15,153
5 to 7 years	26,968
8 years	18,229
High school: 1 to 3 years	24,506
4 years	25,052
College: 1 to 3 years	9,327
4 years or more	7,690
Median school years completed	9.0
Percentage high school graduates	31.3

Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43 at tables P–1, P–5, P–7 (1972).

TABLE 37

OCCUPATION OF EMPLOYED PERSONS, CHICAGO SMSA, BY RACE AND SEX, 1970*

Occupation	Total Population			Black Population in Census Tracts with over 400 Blacks			Spanish Speaking Population in Census Tracts with over 400 Spanish Speaking		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
Employed 16 and Over	2,852,017	1,097,449	1,754,568	410,015	178,321	231,694	115,322	38,343	76,979
Professional, technical, and kindred workers	428,625	161,755	266,870	34,498	19,685	14,813	8,318	2,830	5,488
Percent		37.74	62.26		57.06	42.94		34.02	
Teachers, elementary and secondary	83,094	58,629	24,465						
Percent		70.56	29.44						
Managers and administrators except farm	226,039	32,724	193,315	10,475	2,960	7,515	3,037	445	2,592
Percent		14.48	85.52		28.26	71.74		14.65	
Salesworkers	218,423	80,838	137,585	13,229	6,014	7,215	3,963	1,606	2,357
Percent		37.01	62.99		45.46	54.54		40.52	
Clerical and kindred workers	636,204	469,867	166.337	87,680	61,805	25,875	17,427	11,086	6,341
Percent		73.85	26.15		70.49	29.51		63.61	
Operatives and transport equipment	507,639	162,420	345,219	112,903	35,724	77,179	46,758	16,223	30,535
Percent		32	68		31.64	68.36		34.70	
Farmworkers	9,757	1,572	8,185	1,313	552	761	534	36	498
Percent		16.11	83.89		42.04	57.96		6.74	
Service workers	291,766	136,889	154,877	69,779	33,690	36,089	11,038	3,811	7,227
Percent		46.92	53.08		48.28	51.72		34.53	
Private house workers	19,185	18,157	1,028	10,547	9,897	650	457	432	25
Percent		94.64	5.36		93.84	6.16		94.53	

* 16 years old and over.
Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43, at 237, 504, 554 1972).

TABLE 38

LABOR FORCE AND INCOME CHARACTERISTICS OF THE TOTAL POPULATION, CHICAGO SMSA, 1970

LABOR FORCE CHARACTERISTICS	Total SMSA
EMPLOYMENT STATUS	
Male, 16 years old and over	2,285,539
Labor force	1,843,471
Percent of total	80.7
Civilian labor force	1,809,563
Employed	1,754,568
Unemployed	54,995
Percent of civilian labor force	3.0
Not in labor force	442,068
Inmate of institution	22,904
Enrolled in school	134,498
Other under 65 years	114,069
Other 65 years and over	170,597
Male, 16 to 21 years old	333,802
Not enrolled in school	125,571
Not high school graduates	53,626
Unemployed or not in labor force	19,496
Female, 16 years old and over	2,532,813
Labor force	1,145,706
Percent of total	45.2
Civilian labor force	1,144,590
Employed	1,097,449
Unemployed	47,141
Percent of civilian labor force	4.1
Not in labor force	1,387,107
Married women, husband present	1,479,769
In labor force	597,154
with own children under 6 years	415,552
In labor force	104,598
OCCUPATION	
Total employed, 16 years old and over	2,852,017
Professional, technical and kindred workers	428,625
Health workers	62,747
Teachers, elementary and secondary schools	83,094
Managers and administrators, except farm	226,039
Salaried	201,555
Self-employed in retail trade	11,278
Sales workers	218,423
Retail trade	110,632
Clerical and kindred workers	636,204
Craftsmen, foremen, and kindred workers	395,504
Construction craftsmen	84,086
Mechanics and repairmen	78,044
Operatives, except transport	396,779
Transport equipment operators	110,860
Laborers, except farm	118,875
Farm workers	9,757
Service workers	291,766
Cleaning and food service workers	154,046
Protective service workers	41,423
Personal and health service workers	67,163
Private household workers	19,185
Female employed, 16 years old and over	1,097,449
Professional, technical, and kindred workers	161,755
Teachers, elementary and secondary schools	58,629
Managers and administrators, except farm	32,724
Sales workers	80,838
Clerical and kindred workers	469,867
Secretaries, stenographers, and typists	171,946
Operatives, including transport	162,420
Other blue-collar workers	33,227
Farm workers	1,572
Service workers, except private household	136,889
Private household workers	18,127
INDUSTRY	
Total employed, 16 years old and over	2,852,017
Construction	137,097
Manufacturing	903,442
Durable goods	577,244
Transportation	142,741
Communications, utilities, and sanitary services	87,322
Wholesale trade	138,184
Retail trade	455,594
Finance, insurance, and real estate	171,192
Business and repair services	111,718
Personal services	96,466
Health services	134,617
Educational services	179,379
Other professional and related services	126,048
Public administration	126,867
Other industries	39,350
CLASS OF WORKER	
Total employed, 16 years old and over	2,852,017
Private wage and salary workers	2,373,823
Government workers	334,111
Local government workers	201,942
Self-employed workers	136,371
Unpaid family workers	7,712
INCOME CHARACTERISTICS	
INCOME IN 1969 OF FAMILIES AND UNRELATED INDIVIDUALS	
All families	1,733,707
Less than $1,000	31,222
$1,000 to $1,999	31,158
$2,000 to $2,999	46,268
$3,000 to $3,999	50,375
$4,000 to $4,999	53,455
$5,000 to $5,999	64,542
$6,000 to $6,999	72,666
$7,000 to $7,999	85,621
$8,000 to $8,999	99,241
$9,000 to $9,999	104,845
$10,000 to $11,999	235,557
$12,000 to $14,999	304,523
$15,000 to $24,999	426,055
$25,000 to $49,999	106,995
$50,000 or more	21,184
Median income	$11,931
Mean income	$13,527
Families and unrelated individuals	2,359,955
Median income	$9,889
Mean income	$11,276
Unrelated individuals	625,248
Median income	$3,885
Mean income	$5,045
TYPE OF INCOME IN 1969 OF FAMILIES	
All families	1,733,707
With wage or salary income	1,556,455
Mean wage or salary income	$12,580
With nonfarm self-employment income	155,998
Mean nonfarm self-employment income	$10,203
With farm self-employment income	12,486
Mean farm self-employment income	$3,181
With Social Security income	307,100
Mean Social Security income	$1,723
With public assistance or public welfare income	74,263
Mean public assistance or public welfare income	$1,702
With other income	677,810
Mean other income	$2,338

TABLE 38

LABOR FORCE AND INCOME CHARACTERISTICS OF THE TOTAL POPULATION, CHICAGO SMSA, 1970—(Cont)

	Total SMSA
RATIO OF FAMILY INCOME TO POVERTY LEVEL[1]	
Percent of families with incomes:	
Less than .50 of poverty level	2.8
.50 to .74	1.9
.75 to .99	2.1
1.00 to 1.24	2.6
1.25 to 1.49	2.8
1.50 to 1.99	7.2
2.00 to 2.99	20.5
3.00 or more	60.1
INCOME BELOW POVERTY LEVEL[1]	
Families	117,357
Percent of all families	6.8
Mean family income	$1,920
Mean income deficit	$1,725
Percent receiving public assistance income	29.6
Mean size of family	4.04
With related children under 18 years	83,871
Mean number of related children under 18 years	3.18
With related children under 6 years	50,339
Mean number of related children under 6 years	1.76
Families with female head	56,433
With related children under 18 years	50,102
Mean number of related children under 18 years	3.28
With related children under 6 years	29,933
Percent in labor force	23.4
Mean number of related children under 6 years	1.77
Family heads	117,357
Percent 65 years and over	18.3
Civilian male heads under 65 years	43,548
Percent in labor force	72.9
Unrelated individuals	162,322
Percent of all unrelated individuals	27.9
Mean income	$855
Mean income deficit	$971
Percent receiving public assistance income	11.4
Percent 65 years and over	46.8
Persons	636,180
Percent of all persons	9.3
Percent receiving Social Security income	17.1
Percent 65 years and over	18.0
Percent receiving Social Security income	73.7
Related children under 18 years	264,041
Percent living with both parents	34.2
Households	203,705
Percent of all households	10.5
Owner occupied	42,317
Mean value of unit	$21,600
Renter occupied	161,338
Mean gross rent	$108
Percent lacking some or all plumbing facilities	7.1

[1] Includes allocated cases, not shown separately.

Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43 at tables P–3, P–4 (1972).

TABLE 39

FAMILIES WITH INCOME BELOW THE POVERTY LEVEL, CHICAGO SMSA
(Based on 1969 Income Level)

	Total	*Female-Headed Families as % of All Families Below Poverty Level*
All families with incomes below poverty level	117,357	48.09%
Female-headed families	56,433	42.69 (89% of Female-Headed Families)
With related children under 18 years	50,102	
With related children under 6 years	29,933	25.5 (53% of Female-Headed Families)
Percent in labor force	23.4%	

Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43, at table P–4 (1972).

TABLE 40

ECONOMIC CHARACTERISTICS OF THE BLACK AND SPANISH SPEAKING POPULATIONS, CHICAGO SMSA, 1970

BLACK CENSUS TRACTS WITH 400 OR MORE NEGRO POPULATION	Total SMSA
EMPLOYMENT STATUS AND OCCUPATION	
Male, 16 years and older	341,385
Labor force	249,670
Civilian labor force	247,343
Employed	231,694
Unemployed	15,649
Not in labor force	91,715
Female, 16 years old and over	411,470
Labor force	192,688
Civilian labor force	192,605
Employed	178,321
Unemployed	14,284
Not in labor force	218,782
Married women in labor force, husband present	88,980
With own children under 6 years	26,070
Total employed, 16 years old and over	410,015
Professional, technical, and kindred workers	34,498
Managers and administrators, except farm	10,475
Sales workers	13,229
Clerical and kindred workers	87,680
Craftsmen, foremen, and kindred workers	40,285
Operatives, except transport	88,113
Transport equipment operatives	24,790
Laborers, except farm	29,306
Farm workers	1,313
Service workers, except private household	69,779
Private household workers	10,547
Female employed, 16 years and over	178,321
Professional, technical, and kindred workers	19,685
Managers and administrators, except farm	2,960
Sales workers	6,014
Clerical and kindred workers	61,805
Operatives, including transport	35,724
Other blue-collar workers	7,994
Farm workers	552
Service workers, except private household	33,690
Private household workers	9,897

SPANISH SPEAKING CENSUS TRACTS WITH 400 OR PERSONS OF SPANISH LANGUAGE	Total SMSA
EMPLOYMENT STATUS AND OCCUPATION	
Male, 16 years old and over	95,871
Labor force	81,505
Civilian labor force	80,841
Employed	76,979
Unemployed	3,862
Not in labor force	14,366
Female, 16 years old and over	92,856
Labor force	41,342
Civilian labor force	41,217
Employed	38,243
Unemployed	2,974
Not in labor force	51,514
Married women in labor force, husband present	24,464
With own children under 6 years	9,188
Total employed, 16 years old and over	115,322
Professional, technical, and kindred workers	8,318
Managers and administrators, except farm	3,037
Sales workers	3,963
Clerical and kindred workers	17,427
Craftsmen, foremen and kindred workers	15,364
Operatives, except transport	42,708
Transport equipment operatives	4,050
Laborers, except farm	8,426
Farm workers	534
Service workers, except private household	11,038
Private household workers	457
Female employed, 16 years old and over	38,343
Professional, technical, and kindred workers	2,830
Managers and administrators, except farm	455
Sales workers	1,606
Clerical and kindred workers	11,086
Operatives, including transport	16,223
Other blue-collar workers	1,864
Farm workers	36
Service workers, except private household	3,811
Private household workers	432

TABLE 40

ECONOMIC CHARACTERISTICS OF THE BLACK AND SPANISH SPEAKING POPULATIONS, CHICAGO SMSA, 1970—(Cont)

	BLACK CENSUS TRACTS WITH 400 OR MORE NEGRO POPULATION		SPANISH SPEAKING CENSUS TRACTS WITH 400 OR PERSONS OF SPANISH LANGUAGE
FAMILY INCOME IN 1969		FAMILY INCOME IN 1969	
All families	271,297	All families	70,243
Less than $1,000	13,049	Less than $1,000	2,299
$1,000 to $1,999	11,434	$1,000 to $1,999	1,740
$2,000 to $2,999	16,029	$2,000 to $2,999	2,449
$3,000 to $3,999	17,145	$3,000 to $3,999	2,876
$4,000 to $4,999	16,724	$4,000 to $4,999	3,827
$5,000 to $5,999	19,349	$5,000 to $5,999	4,732
$6,000 to $6,999	20,705	$6,000 to $6,999	5,079
$7,000 to $7,999	20,591	$7,000 to $7,999	5,920
$8,000 to $8,999	19,105	$8,000 to $8,999	6,118
$9,000 to $9,999	17,290	$9,000 to $9,999	5,098
$10,000 or more	99,876	$10,000 or more	30,110
Median income:		Median income:	
Families	$8,033	Families	$9,016
Families and unrelated individuals	$6,461	Families and unrelated individuals	$8,023
RATIO OF FAMILY INCOME TO POVERTY LEVEL[1]		RATIO OF FAMILY INCOME TO POVERTY LEVEL[1]	
Percent of families with incomes:		Percent of families with incomes:	
Less than .50 of poverty level	7.8	Less than .50 of poverty level	5.2
.50 to .74	6.2	.50 to .74	3.6
.75 to .99	5.9	.75 to .99	4.3
1.00 to 1.24	6.1	1.00 to 1.24	6.0
1.25 to 1.49	6.1	1.25 to 1.49	6.3
1.50 to 1.99	12.4	1.50 to 1.99	14.5
2.00 or more	55.5	2.00 or more	60.1

TABLE 40

ECONOMIC CHARACTERISTICS OF THE BLACK AND SPANISH SPEAKING POPULATIONS, CHICAGO SMSA, 1970—(Cont)

	BLACK CENSUS TRACTS WITH 400 OR MORE NEGRO POPULATION	SPANISH SPEAKING CENSUS TRACTS WITH 400 OR MORE PERSONS OF SPANISH LANGUAGE
INCOME BELOW POVERTY LEVEL[1]		
Families	54,081	9,236
Percent of all families	19.9	13.1
Mean family income	$2,176	$2,228
Mean income deficit	$1,900	$1,882
Percent receiving public assistance income	49.1	29.7
Mean size of family	4.69	4.71
With related children under 18 years	46,094	8,103
Mean number of related children under 18 years	3.57	3.29
With related children under 6 years	29,245	5,361
Mean number of related children under 6 years	1.84	1.87
Families with female head	35,169	3,456
With related children under 18 years	33,157	3,338
Mean number of related children under 18 years	3.61	3.19
With related children under 6 years	21,354	2,094
Percent in labor force	19.3	21.5
Mean number of related children under 6 years	1.84	1.84
Family heads	54,081	9,236
Percent 65 years and over	9.2	4.6
Civilian male heads under 65 years	15,322	5,392
Percent in labor force	64.8	79.7
Unrelated individuals	40,555	4,479
Percent of all unrelated individuals	37.1	29.5
Mean income	$775	$642
Mean income deficit	$1,069	$1,259
Percent receiving public assistance income	27.4	9.7
Percent 65 years and over	35.3	16.2
Persons	294,042	47,944
Percent of all persons	24.3	14.7
Percent receiving Social Security income	8.1	3.5
Percent 65 years and over	7.8	3.1
Percent receiving Social Security income	61.8	54.1
Related children under 18 years	162,985	27,152
Percent living with both parents	22.9	54.4

Source: U.S. Bureau of the Census, Dep't of Commerce, *Census Tracts, Chicago, Ill., SMSA*, Part I, PHC(1)–43 at tables P–6, P–8 (1972).

APPENDIX II

AID TO FAMILIES WITH DEPENDENT CHILDEN: RECIPIENTS OF MONEY PAYMENTS AND AMOUNT OF PAYMENTS, BY STATE, DECEMBER 1973 [1]

(Excludes vendor payments for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from—			
					Average per—		November 1973 in—		December 1972 in—	
		Total [2]	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total [3]	3,155,501	10,814,[illegible]	7,813,295	[4]$615,903,312	[4]$195.18	[4]$56.95	−0.1	[4]+0.1	−2.3	[4]+2.8
Ala.	44,329	150,191	113,546	3,261,447	73.57	21.72	−1.4	−.9	−7.1	−5.2
Alaska	4,150	12,282	9,185	883,840	212.97	71.96	+2.1	−.1	+4.4	+5.0
Ariz.	20,140	72,054	54,880	2,521,819	125.21	35.00	−.5	−.6	+.5	+1.6
Ark.	26,485	91,286	68,249	2,967,293	112.04	32.51	+1.2	+1.2	+14.4	+16.6
Calif.[3]	413,166	1,329,572	925,492	87,148,369	210.93	65.55	(5)	−.4	−8.0	−5.1
Colo.[3]	[4] 29,251	94,521	68,703	6,089,111	208.17	64.42	−1.6	−.6	−8.5	+9.0
Conn.	35,037	117,487	86,735	[4],265,522	235.91	70.35	−.6	+.3	+2.2	−1.4
Del.[3]	8,744	29,024	21,292	960,592	109.86	33.10	−.4	−.5	−8.1	−10.4
D. C.[3]	30,195	102,873	75,031	6,295,904	208.51	61.20	−.5	−1.0	+2.6	+7.6
Fla.	86,864	299,749	227,247	9,309,480	107.17	31.06	−.3	−.3	−10.0	+1.8
Ga.	104,425	341,194	251,745	10,992,696	105.27	32.22	−.5	−1.0	+2.7	+10.2
Guam	642	2,637	2,092	120,933	188.37	45.86	−1.3	−.8	−3.2	−1.2
Hawaii[3]	13,004	43,098	30,081	3,679,935	282.98	88.39	+.6	−.2	+.1	−.2
Idaho	5,656	18,590	13,262	1,096,283	193.83	58.97	+.5	+12.1	−13.6	−4.2
Ill.[3]	207,193	772,720	562,573	54,198,087	261.58	70.14	−.2	−1.0	+2.4	+13.8
Ind.	49,236	168,009	123,829	6,861,567	139.36	40.84	+.6	+1.5	−1.6	−.8
Iowa	23,782	79,088	55,332	4,821,587	[illegible]2.74	60.96	(5)	−.4	−3.7	+7.3
Kans.[3]	21,379	67,186	50,759	4,013,100	187.71	59.73	−.8	−.2	−6.0	−4.4
Ky.	45,565	153,016	109,037	6,641,641	145.74	43.40	−.6	+15.6	+1.9	+28.9
La.	68,094	249,712	189,317	6,303,021	92.56	25.24	−.2	−.2	−1.7	+4.2
Maine	20,931	71,810	50,526	2,855,911	136.44	39.77	−.6	+.7	+6.0	+7.0
Md.[3]	65,972	220,280	161,372	10,249,185	155.36	46.53	−.2	+.9	+2.1	+4.7
Mass.[3]	91,425	308,456	222,535	[4]29,590,078	[4]323.65	[4]95.93	+1.0	[4]+21.3	+4.9	[4]−.6
Mich.[3]	178,055	600,326	430,227	44,439,573	249.58	74.03	+.5	+.9	+1.7	+10.7
Minn.[3]	40,936	124,687	89,674	10,171,748	248.48	81.58	(5)	−1.5	+.2	+10.0
Miss.	50,884	182,702	142,303	2,628,221	51.65	14.39	−.5	−1.0	+6.5	+6.3
Mo.[3]	74,378	244,567	181,530	8,756,261	117.73	35.80	+.3	+15.0	+7.2	+23.9
Mont.	7,018	21,350	15,807	1,127,076	160.60	52.79	+1.1	+.7	+.7	+10.4
Nebr.[3]	11,533	38,120	28,096	1,770,907	153.55	46.46	−1.7	−1.2	−7.5	−1.6
Nev.	4,418	13,417	9,901	563,416	127.53	41.99	−1.4	+.3	−10.9	+1.4
N. H.	7,460	23,673	16,764	1,644,815	220.48	69.48	(5)	−.4	+6.7	+8.7
N. J.	119,758	420,105	303,265	30,209,643	252.26	71.91	−.1	−.6	+3.0	+3.3
N. Mex.	17,576	59,408	44,383	2,154,422	122.58	36.26	−.9	−.9	+1.7	+12.9
N. Y.[3]	342,467	1,190,320	845,847	[7]92,142,198	269.05	77.41	−.8	−5.6	−7.3	−5.3
N. C.	47,413	150,514	112,846	6,184,531	130.44	41.09	−.1	−.3	−6.7	+17.2
N. Dak.	4,315	13,655	10,149	830,611	192.49	60.83	+.1	+1.7	−2.0	+5.3
Ohio[3]	146,215	496,895	356,766	25,640,057	175.36	51.60	+.3	+.3	+3.1	+18.4
Okla.[3]	26,871	90,779	69,075	4,752,943	176.88	52.36	−.4	−.9	−10.4	+18.2
Oreg.[3]	28,189	84,973	58,557	6,001,556	212.90	70.63	+5.0	+8.8	+1.6	+38.7
Pa.[3]	167,456	606,382	418,990	39,607,086	236.52	65.32	−.1	+1.2	−5.5	−5.5

APPENDIX II

AID TO FAMILIES WITH DEPENDENT CHILDREN: RECIPIENTS OF MONEY PAYMENTS AND AMOUNT OF PAYMENTS, BY STATE, DECEMBER 1973 [1]—(Cont)

(Excludes vendor payments for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from—			
					Average per—		November 1973 in—		December 1972 in—	
		Total [4]	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
P. R.	51,154	256,213	188,165	2,365,158	46.24	9.23	+.1	−.1	−6.9	−5.9
R. I. [3]	14,006	48,111	34,366	[8] 2,997,477	([8])	([8])	−2.3	([8])	−3.5	([8])
S. C.	33,756	120,903	90,319	2,937,279	87.02	24.29	−.1	−.3	+12.5	+25.5
S. Dak. [10]	6,725	22,205	16,477	1,218,786	181.23	54.89	—	—	—	—
Tenn.	58,032	190,351	142,898	6,062,469	104.47	31.85	−.3	+.4	+.4	+3.9
Tex.	124,081	439,019	324,045	13,514,405	108.92	30.78	+.5	+.5	−.9	−1.0
Utah [3] [11]	11,429	35,564	25,538	2,199,825	192.48	61.86	—	—	—	—
Vt. [3]	5,713	19,453	13,307	1,421,817	248.87	73.09	+1.4	+8.1	+3.7	+13.4
V. I.	929	3,601	2,932	129,558	139.46	35.98	0	−.3	+10.8	+14.4
Va.	48,876	164,618	118,924	8,383,513	171.53	50.93	+.1	+1.2	−.1	+6.6
Wash. [9]	45,822	143,025	95,138	10,404,389	227.06	72.75	−.2	−.7	−8.7	+.7
W. Va. [3]	18,159	66,526	46,159	2,705,329	148.98	40.67	+1.6	+1.6	−14.8	−14.9
Wis. [3]	43,860	140,770	102,529	13,432,772	306.26	95.42	−.2	+1.4	−.7	+16.6
Wyo.	2,352	7,312	5,418	378,070	160.74	51.71	+.9	+2.3	+5.5	+14.1

[1] All data subject to revision. Data include AFDC-foster care.
[2] Includes as recipients the children and one or both parents or one caretaker relative other than a parent in families in which the requirement of such adults were considered in determining the amount of assistance.
[3] Includes data on unemployed-father segment.
[4] Amount includes $7,711,000 representing grants for special needs in Massachusetts for the quarter January–March 1974. The average payments and percentage changes are affected accordingly.
[5] Increase of less than 0.05 percent.
[6] Does not include number of AFDC-foster care families.
[7] Payments for some months fluctuate noticeably due to the influence of cancellations and refunds in Connecticut and retroactive payments in New York.
[8] Decrease of less than 0.05 percent.
[9] Average payment and percentage changes not computed: payments made bi-weekly.
[10] Represents data for November: December data not reported.
[11] Represents data for October: November and December data not reported.

APPENDIX III

CHRONOLOGY OF SELECTED FEDERAL LABOR LEGISLATION

LAW	DATE ENACTED	FOCUS	PROGRAMS FUNDED
Wagner-Peyser Act (U.S. Training and Employment Service.)	1933 as amended, 29 U.S.C. 49 et seq.	Developed policies and methods for coordinating a nationwide network of affiliated public employment offices.	1. Placement services of Public Employment Services. 2. Apprenticeship Information Center. 3 Special Services for professionals, handicapped, minorities, veterans, and youth. 4. Farm Labor and Rural Manpower Service. 5. Industrial Services. 6. Federal-State Labor Market Information Service. 7. Special assistance to areas with high chronic unemployment. 8. Operation of Training and Development Acts.
Social Security Act	1935 as amended, 42 U.S.C. ch. 7, Pub. L. 91–172, Dec. 30, 1969; Internal Revenue Code of 1954, as amended, 26 U.S.C. Subtitle G, ch. 2, chs. 21, 23, 25; Subtitle 8.	Created two nationwide systems of insurance to protect wage earners and their families against loss of income due to unemployment, old age, disability and death.	1. Retirement, Survivors and Disability Insurance. 2. Medicare. 3. Old Age Assistance. 4. AFDC. 5. Aid to the Blind. 6. Medicaid. 7. Aid to the Permanently and Totally Disabled. 8. Health Services for Mothers and Children.
National Apprenticeship Act	1937, as amended, 29 U.S.C. 50 et seq.	1. Formulates and promotes labor standards to safeguard apprentices, assists in creation of apprenticeship programs, cooperates with HEW on vocational education. 2. Appoints National Advisory Committees on Apprenticeship.	1. Technical Assistance on the development, expansion, improvement and operation of apprenticeship programs. 2. Programs for foreign nationals on the skills, knowledge, technical data, and training techniques utilized in American industry. 3. Special activities for American Indians, inmates of penal institutions, and persons in the armed services. 4. Special attention is accorded to disadvantaged and minority group members in pre-apprenticeship programs to qualify them for apprentice selection and employment.
*Manpower and Development Training Act of 1962	1962, as amended, 42 U.S.C. 2571 et seq.	Responds to a need for more and better trained personnel, with an emphasis on assisting the disdisadvantaged, i.e., youth, minorities, older workers, the handicapped and unskilled workers.	1. Manpower Requirement, Development and Utilization A. Research and Coordination B. Manpower Report 2. Training and Skill Development Programs A. Payment for Training B. Training Allowances C. Manpower Advisory Committee D. Journeyman Training Programs (USTES) E. Jobs Optional Program (JOP) 3. Miscellaneous—apportionment of funds in accordance with uniform standards.

* As of July 1, 1974, superseded by Comprehensive Employment and Training Act of 1973.

APPENDIX III

CHRONOLOGY OF SELECTED FEDERAL LABOR LEGISLATION–(Cont)

LAW	DATE ENACTED	FOCUS	PROGRAMS FUNDED
*Economic Opportunity Act of 1964	1964, as amended, 42 U.S.C. 2071 et seq.	Opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.	1. The Work Training and Work Study Programs Part A, Parts B and C A. Jobs Corps B. Job Opportunities in the Business Sector (JOBS) C. Concentrated Employment Programs (CEP) D. Public Service Careers Program E. Neighborhood Youth Corps (NYC) F. Operation Mainstream Program G. Special Impact Programs 2. Title III, Special Program to Combat Poverty in Rural Areas. A. Part A. Rural Loan Program to individuals and cooperative organizations. B. Part B. The Migrant and Seasonal Farm Workers Assistance Program. 3. Title IV—Employment and Investment Incentives. The Economic Opportunity Loans for Small Business Opportunity.
Work Incentive Program (WIN)	1967, as amended, 42 U.S.C. 630 et seq.	Requires of persons receiving AFDC that they avail themselves of manpower services and opportunities to ensure that they are eventually removed from public assistance rolls.	Working through State Employment Service Offices, WIN enrollees receive: 1. counseling 2. skill training 3. education 4. work experience 5. supportive services
Emergency Employment Act of 1971	1971, Public Law 92–54	Authorizes a public service employment program when national unemployment rates exceed 4.5 percent. Special employment assistance is available when an area has in excess of 6 percent unemployment for 3 consecutive months.	1. Public Service Employment Program 2. Periodic reviews of programs by Secretary of Labor 3. Training and manpower services to those already employed in public service employment programs.
Comprehensive Employment and Training Act of 1973	1973	Decentralizes to States and local governments and decatagorizes numerous programs under MDTA and Title I of the Economic Opportunity Act, creating a manpower revenue sharing concept.	Provides for financial assistance to State and local governments for comprehensive manpower services.

*As of July 1, 197[illegible]ly superseded by Comprehensive Employment Training Act of 1973.